

FEDERAL REGISTER

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Agencies in this issue—

The President
Agricultural Stabilization and
Conservation Service
Agriculture Department
Business and Defense Services
Administration
Census Bureau
Civil Aeronautics Board
Civil Service Commission
Commodity Credit Corporation
Consumer and Marketing Service
Education Office
Engineers Corps
Federal Aviation Agency
Federal Maritime Commission
Federal Register Administrative
Committee
Fiscal Service
Food and Drug Administration
Internal Revenue Service
International Commerce Bureau
Interstate Commerce Commission
Justice Department
Land Management Bureau
Securities and Exchange Commission

Detailed list of Contents appears inside.



How To Find U.S. Statutes and U.S. Code Citations

[Revised Edition—1965]

This pamphlet contains typical legal references which require further citing. The official published volumes in which the citations may be found are shown alongside each reference—with suggestions as to the logical sequence to follow in using them. Additional finding aids, some especially useful in citing current legislation, also have been in-

cluded. Examples are furnished at pertinent points and a list of references, with descriptions, is carried at the end.

This revised edition contains illustrations of principal finding aids and reflects the changes made in the new master table of statutes set out in the 1964 edition of the United States Code.

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The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended. The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements are listed in the first FEDERAL REGISTER issue of each month.

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A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1966, and specifies how they are affected.

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Proclamation 3718

NATIONAL DEFENSE TRANSPORTATION DAY AND NATIONAL TRANSPORTATION WEEK, 1966

By the President of the United States of America

A Proclamation

America's vast system of transportation is a monument to what free men can achieve in a free and enterprising society.

The United States is the only nation which maintains a system of transport that is both privately-owned and privately-operated.

That system has met every challenge, in war as in peace. It was created by farsighted men and private capital. It flourished with the encouragement of their Government. From that partnership has emerged the mighty and far-flung transportation network that gives Americans the greatest mobility ever enjoyed by any nation.

In the past 20 years, the number of automobiles and trucks in this vast network has increased threefold, from 31 million to 90 million.

In two decades, our paved roads have grown from 1.5 million miles to twice that much today.

Twenty years ago, there were 38,000 private and commercial aircraft in our skies; today there are nearly 100,000.

Our inland waterways now carry 150 billion ton miles of freight across the nation every year, and our system of pipelines move 284 billion more.

Our railroads have also rejoined the ranks of expanding industries. Since 1961, reversing a period of long decline, railroads have been catching up with the steady and uninterrupted growth of the Nation's economy.

Today, transportation accounts for one in every five dollars in the American economy. In 1965, that amounted to \$120 billion—more than the entire Gross National Product of this Nation in 1940.

Yet, great as our transportation system has become, it must grow still faster in the years ahead.

Our population is growing.

Our economy is expanding.

Our trade with other nations continues to increase.

And all depend on fast, efficient and safe transportation. During the next two decades, we must prepare to meet a demand for transportation which will be at least twice what is required today.

A fast, modern, and coordinated transportation network—by land, air, and sea—is also essential to our national defense. If we are to remain strong, transportation must keep abreast of our ever-changing military technology.

In recognition of these facts, the Congress, by Senate Joint Resolution 22 of May 16, 1957 (71 Stat. 30), has requested the President to proclaim annually the third Friday of May of each year as National Defense Transportation Day, and by House Joint Resolution 628 of May 14, 1962 (76 Stat. 69), has requested the President to proclaim annually the week of May in which that Friday falls as National Transportation Week, as a tribute to the men and women who, night and day, move our goods and our people throughout the land and around the world.

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, do hereby designate Friday, May 20, 1966, as National Defense Transportation Day, and the week beginning May 15, 1966, as National Transportation Week.

I urge our people to participate with representatives of the transportation industry, our armed services, and other governmental agencies, in the observance of these occasions through appropriate ceremonies.

I also invite the Governors of the States to provide for the observance of National Defense Transportation Day and National Transportation Week in a way that will give the citizens of each community the opportunity to recognize and appreciate fully the vital role our great and modern transportation system plays in their daily lives and in the defense of our Nation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this twenty-second day of April in the year of our Lord nineteen hundred and sixty-six,
[SEAL] and of the Independence of the United States of America the one hundred and ninetieth.

LYNDON B. JOHNSON

By the President:

GEORGE W. BALL,
Acting Secretary of State.

[F.R. Doc. 66-4846; Filed, Apr. 29, 1966; 4:32 p.m.]

Rules and Regulations

Title 1—GENERAL PROVISIONS

Chapter I—Administrative Committee of the Federal Register

CFR CHECKLIST

1966 Issuances

This checklist, prepared by the Office of the Federal Register, is published in the first issue of each month. It is arranged in the order of CFR titles, and shows the issuance date and price of revised volumes and supplements of the Code of Federal Regulations issued to date during 1966. New units issued during the month are announced on the inside cover of the daily FEDERAL REGISTER as they become available.

Order from Superintendent of Documents, Government Printing Office, Washington, D.C., 20402.

CFR Unit (as of Jan. 1, 1966):	Price
3 1965 Supp.	\$1.00
4 (Rev.)	.30
5 (Supp.)	.60
6 (Rev.)	1.00
7 Parts:	
1-45 (Rev.)	1.25
46-51 (Rev.)	1.00
52 (Rev.)	2.00
53-209 (Rev.)	2.00
210-399 (Rev.)	1.00
1000-1029 (Rev.)	1.00
1030-1059 (Rev.)	1.00
1060-1089 (Rev.)	1.00
1090-1119 (Rev.)	.70
1120-1199 (Rev.)	.75
10-11 (Supp.)	.60
12 (Supp.)	1.25
13 (Supp.)	.60
16 (Supp.)	1.00
21 Parts 130-end (Rev.)	2.50
22 (Rev.)	1.00
23 (Rev.)	.25
26 Parts:	
1 (§§ 1.301-1.400) (Rev.)	.65
1 (§§ 1.401-1.500) (Rev.)	.65
1 (§§ 1.501-1.640) (Rev.)	.70
1 (§§ 1.641-1.850) (Rev.)	1.00
1 (§§ 1.851-1.1200) (Rev.)	1.25
20-29 (Supp.)	.40
30-39 (Supp.)	.50
300-499 (Supp.)	.50
500-599	(*)
600-end (Supp.)	.40
27 (Supp.)	.30
28 (Rev.)	.50
29 Parts:	
1-499 (Rev.)	.65
500-899 (Rev.)	1.75
900-end (Rev.)	.65
30 (Rev.)	1.25
31 (Rev.)	1.25
32 Parts:	
40-399 (Rev.)	1.00
590-699 (Rev.)	4.25
800-999 (Rev.)	1.00

CFR Unit (as of Jan. 1, 1966):	Price
35	(*)
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1 (Rev.)	1.75
5-5D (Rev.)	.50
18 (Rev.)	1.75
44 (Supp.)	.40
46 Parts 146-149 (Rev.)	2.50
47 Parts 70-79 (Rev.)	1.00
48 (Rev.)	.40
49 Parts 0-70 (Supp.)	.40
List of Sections Affected, 1949-1963 (Compilation)	6.75

*NOTE: No amendments to these volumes were promulgated during 1965. The cumulative pocket supplements issued as of January 1, 1965, should be retained.

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission PART 772—APPEALS TO THE COMMISSION

Hearing Procedures

Section 772.305 is amended to provide that agencies shall make their employees available as witnesses at Commission hearings when requested by the Commission. Effective on publication in the FEDERAL REGISTER, paragraph (c) of § 772.305 is amended as set out below.

§ 772.305 Hearings.

(c) *Hearing procedures.* (1) An appellant is entitled to appear at the hearing on his appeal personally or through or accompanied by his representative. The agency is also entitled to participate in the hearing. Both parties are entitled to produce witnesses. The Commission is not authorized to subpoena witnesses.

(2) An agency shall make its employees available as witnesses at the hearing when (i) requested by the Commission after consideration of a request by the appellant or the agency and (ii) it is administratively practicable to comply with the request of the Commission. If the agency determines that it is not administratively practicable to comply with the request of the Commission, it shall submit to the Commission its written reasons for the declination. Employees of the agency shall be in a duty status during the time they are made available as witnesses. Employees of the agency shall be free from restraint, interference, coercion, discrimination, or reprisal in presenting their testimony.

(3) Hearings are not open to the public or the press. Attendance at hearings is limited to persons determined by the Commission to have a direct connection with the appeal.

(4) A representative of the Commission shall conduct the hearing and shall afford the parties opportunity to introduce evidence (including testimony and statements by the appellant, his representative, representatives of the agency, and witnesses), and to cross-examine witnesses. Testimony is under oath or affirmation. Rules of evidence are not applied strictly, but the representative of the Commission shall exclude irrelevant or unduly repetitious testimony.

(5) The office of the Commission having initial jurisdiction of the appeal shall determine how the hearing will be reported. When the hearing is reported verbatim, that office shall make the transcript a part of the record of the proceedings and shall furnish a copy of the transcript to each party. When the hearing is not reported verbatim, the representative of the Commission who conducts the hearing shall make a suitable summary of pertinent portions of the testimony. When agreed to in writing by the parties, the summary constitutes the report of the hearing and is made a part of the record of the proceedings. Each party is entitled to be furnished a copy of the report of the hearing. If the representative of the Commission and the parties fail to agree on the summary, the parties are entitled to submit written exceptions to any part of the summary which are made a part of the record of the proceedings for consideration in deciding the appeal.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended, secs. 11, 14, 19, 58 Stat. 390, 391, as amended, sec. 1101, 63 Stat. 971, sec. 113, 68 Stat. 1108; 5 U.S.C. 631, 633, 860, 863, 868, 1072, 1072a; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954-1958 Comp., p. 218, E.O. 10988, 27 F.R. 551)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] MARY V. WENZEL,
Executive Assistant to
the Commissioners.

[F.R. Doc. 66-4791; Filed, May 2, 1966;
8:46 a.m.]

Title 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

[Amdt. 1]

PART 7—AGRICULTURAL STABILIZATION AND CONSERVATION COMMITTEES

County and Community Committees; Terms of Office

By virtue of the authority vested in the Secretary of Agriculture by the Soil Conservation and Domestic Allotment Act of 1936, as amended, the regulations in this subpart published in the Fed-

ERAL REGISTER of November 16, 1965 (30 F.R. 14301), are amended to permit newly elected members and alternates of the county committee to take office at the beginning of the second month following the month of election if so determined by the State committee. The regulations in this subpart are, therefore, amended as follows:

§ 7.18 County and community committeemen.

(a) The terms of office of community committeemen and alternates to such office shall begin on the first day of the month next after their election;

(b) The terms of office of county committeemen and alternates to such office shall begin on the first day of the month following the month of their election, or if so determined by the State committee the first day of the second month following the month of their election: *Provided, however,* That before any such county committeeman or alternate county committeeman may take office he shall sign a pledge that he will faithfully, fairly, and honestly perform to the best of his ability all of the duties devolving on him as a committeeman;

(c) A term of office shall continue until a successor has been elected and qualified as provided in §§ 7.11 and 7.12.

(Sec. 4, 49 Stat. 164, as amended; 16 U.S.C. 590d; interpret or apply sec. 8, 49 Stat. 1149, as amended; 16 U.S.C. 590h)

Effective date. Publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on April 27, 1966.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 66-4807; Filed, May 2, 1966; 8:47 a.m.]

Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

SUBCHAPTER C—REGULATIONS AND STANDARDS UNDER THE AGRICULTURAL MARKETING ACT OF 1946

PART 50—RULES OF PRACTICE GOVERNING WITHDRAWAL OF INSPECTION AND GRADING SERVICES

Part 50 is added to Chapter I of Title 7 of the Code of Federal Regulations, reading as follows:

Subpart A—General

Sec.	
50.1	Meaning of words.
50.2	Definitions.
50.3	Scope and applicability of this part.

Subpart B—Conditional Withdrawal of Service Proceedings

50.11	General.
50.12	Notice.

Subpart C—Disciplinary Withdrawal of Service Proceedings

50.21	Notice of violations.
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Sec.	
50.23	Answer.
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50.27	Procedure upon failure to request an oral hearing or upon express waiver of an oral hearing.
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50.28-5	Order of proceeding.
50.28-6	Powers of Hearing Officer.
50.28-7	Who may act in the absence of the Hearing Officer.
50.28-8	Evidence.
50.28-9	Filing the transcript of evidence.
50.28-10	Transcripts.
50.28-11	Proposed findings of fact, conclusions, and order.
50.28-12	Hearing Officer's report.
50.28-13	Exceptions; proposed orders; objections.
50.28-14	Final order.
50.29	Summary action.
50.29-1	General.
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50.30	Filing; number of copies.
50.31	Service; proof of service.
50.32	Computation of time.
50.33	Extensions of time.

Subpart D—Withdrawal of Recognition of a Nonfederally Inspected Meat Establishment

50.34	Notice.
50.35	Withdrawal on verbal notification.

AUTHORITY: The provisions of this Part 50 issued under sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624.

Subpart A—General

§ 50.1 Meaning of words.

As used in this part, words in the singular form shall be deemed to import the plural, and vice versa, as the case may require.

§ 50.2 Definitions.

(a) The term "act" means the Agricultural Marketing Act of 1946, approved August 14, 1946, and any legislation amendatory thereof (7 U.S.C. 1621-1627).

(b) "Administrator" means the Administrator, Consumer and Marketing Service, U.S. Department of Agriculture, or any officer or employee to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

(c) "Division" means the Division of the Consumer and Marketing Service initiating the withdrawal proceedings.

(d) "Director" means the Director of the Division or any officer or employee

to whom authority has heretofore delegated, or to whom authority may hereafter be delegated, to act in his stead.

(e) "Hearing Officer" means an examiner of the Office of Hearing Examiners, U.S. Department of Agriculture, or other officer or employee of the Department of Agriculture, duly assigned to preside at a hearing held pursuant to the rules in this part.

(f) "Person" means any individual, partnership, corporation, or other business entity.

(g) "Respondent" means the person to whom notice of proposed withdrawal of service is given.

(h) "Hearing Clerk" means the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C.

(i) "Conditional withdrawal of service" means the withdrawal, not involving disciplinary action, of grading or inspection service from a person for a correctable cause such as failure to pay bills for service or insanitary or unsatisfactory plant conditions.

(j) "Disciplinary withdrawal of service" means the withdrawal of grading or inspection service for any reason (other than a conditional withdrawal) due to a violation of the act or the regulations issued thereunder. The term includes termination of service contracts for cause even though the contract may provide for the unilateral termination by the Consumer and Marketing Service under certain specified conditions.

(k) "Withdrawal of recognition of a nonfederally inspected meat establishment" means a withdrawal of recognition on a finding that such establishment is not complying with applicable requirements of § 53.6 of this chapter.

(l) "Decision and order" includes the Administrator's findings of fact; conclusions with respect to all material issues of fact and law as well as the reasons or basis therefor; and order.

§ 50.3 Scope and applicability of this part.

The rules of practice in this part shall govern all withdrawals of inspection and grading service furnished by the Consumer and Marketing Service pursuant to the act and withdrawals of recognition of a nonfederally inspected meat establishment pursuant to § 53.7 of this chapter. They do not modify existing procedures for refusing to inspect, grade, or certify a specific lot of a product because of adulteration, improper preparation or improper presentation of the lot for grading, or because of failure to comply with any similar requirements set forth in applicable regulations.

Subpart B—Conditional Withdrawal of Service Proceedings

§ 50.11 General.

The Director may withdraw grading or inspection service from a person for a correctable cause. Such service, after appropriate correction action is taken, will be restored immediately, or as soon thereafter as a grader or inspector can be made available.

§ 50.12 Notice.

Written notice shall be given to the person concerned, in advance of a conditional withdrawal, whenever it is feasible to do so. If advance written notice is not given, the conditional withdrawal action shall be promptly confirmed in writing and the reason therefor shall be stated, except in instances where the person has already corrected the deficiency.

Subpart C—Disciplinary Withdrawal of Service Proceedings

§ 50.21 Notice of violations.

The Director (hereinafter sometimes referred to as the complainant) shall transmit to respondent a written notice (telegram or letter) which shall set forth briefly the nature of the violation or violations, including allegations of fact which constitute a basis for the proceeding. The notice shall offer respondent the opportunity to submit a specific written statement by way of answer and the right to request an oral hearing at which evidence may be presented in support of respondent's position, and shall state the time within which answer by respondent must be made, which shall not be less than 10 days after service of the notice.

§ 50.22 Amendments.

At any time prior to the close of the hearing, the notice of violations may be amended; but, in case of an amendment adding new provisions, the hearing shall, on the request of the respondent, be adjourned for a period not exceeding 15 days.

§ 50.23 Answer.

§ 50.23-1 General.

The respondent shall file an answer to the allegations of the notice with the Director, signed by the respondent or his attorney, within the period of time for answering set forth in the notice.

§ 50.23-2 Contents.

The answer shall (a) contain a concise statement of the facts which constitute the grounds of defense, and shall specifically admit, deny, or explain each of the facts alleged in the notice unless the respondent is without knowledge, in which case, the answer shall so state; or (b) state that the respondent admits all of the facts alleged in the notice. The answer may contain a request for an oral hearing or an express waiver of such hearing.

§ 50.23-3 Failure to file.

Failure to file an answer to or plead specifically to any allegation of fact in the notice shall constitute an admission of such allegation.

§ 50.24 Motions and requests.

§ 50.24-1 General.

All motions and requests shall be filed with the Administrator, except that if a hearing has been requested by respondent, such motions and requests shall be filed with the Hearing Clerk, unless made

during the course of an oral hearing, in which case they may be stated orally and made a part of the transcript. The Administrator shall rule upon all motions and requests filed, except that if a hearing has been requested by respondent, the Hearing Officer is authorized to rule upon all motions and requests filed or made prior to the filing of his report as hereinafter provided, except motions to dismiss.

§ 50.24-2 Motions entertained.

Any motion will be entertained except a motion to dismiss on the pleadings.

§ 50.24-3 Contents.

All written motions shall state the particular order, ruling, or action desired and the grounds therefor.

§ 50.24-4 Answers to motions.

Within 15 days after service of any written motion, or within any longer period fixed by the Administrator or Hearing Officer, the opposing party shall file an answer to the motion or shall be deemed to have no objection to the granting of the relief asked for in the motion. Unless permitted by the Administrator or Hearing Officer, the moving party shall have no right to reply to the answer.

§ 50.25 Consent orders.

At any time after the institution of a proceeding, the respondent may file an answer consenting to an order. Such an answer shall contain an admission of all jurisdictional facts, an express waiver of further procedural steps, and the order consented to by the respondent. Within 10 days after service of such an answer, the complainant shall file its recommendation. The Administrator may, in his discretion, enter the order consented to by the respondent, which shall have the same force and effect as other orders issued hereunder.

§ 50.26 Procedure upon admission of facts.

§ 50.26-1 General.

The admission, in the answer or by failure to file an answer, of all the material allegations of fact contained in the notice shall constitute a waiver of oral hearing. Upon such admission of facts, the Administrator, without further investigation or hearing, shall issue a tentative decision and order, in which he shall adopt as his tentative findings of fact the material facts alleged in the notice. The tentative decision and order shall be served upon the respondent and the Washington office of the Division.

§ 50.26-2 Exceptions.

The parties shall be given a period of not less than 10 days in which to file with the Administrator exceptions to the tentative order and briefs in support thereof.

§ 50.26-3 Final order.

Within a reasonable time after the expiration of the period for filing exceptions and briefs, the Administrator shall

issue and cause to be served upon the parties his final decision and order, including his ruling on any exceptions received from the parties.

§ 50.27 Procedure upon failure to request an oral hearing or upon express waiver of an oral hearing.

§ 50.27-1 General.

Failure to request an oral hearing within the time allowed for the filing of the answer shall constitute a waiver of such hearing. Upon such failure to request an oral hearing or upon express waiver of such hearing by respondent, the parties shall have a period of 20 days from the final date for filing the answer in which to file with the Administrator sworn statements or affidavits in support of their respective positions. Within a reasonable time thereafter, the Administrator shall issue and cause to be served upon the parties a tentative decision and order.

§ 50.27-2 Exceptions.

The parties shall be given a period of 20 days in which to file with the Administrator exceptions to the tentative order and briefs in support thereof.

§ 50.27-3 Final order.

Within a reasonable time after the expiration of the period for filing exceptions and briefs, the Administrator shall issue and cause to be served upon the parties his final decision and order, including his ruling on any exceptions received from the parties.

§ 50.28 Procedure upon request for an oral hearing.

§ 50.28-1 Assignment of docket number; notice of time and place of hearing.

If respondent requests an oral hearing, a copy of the notice and answering statement of respondent shall be filed with the Hearing Clerk who shall assign the matter a docket number and, when the time and place of hearing have been fixed, serve respondent with notice thereof.

§ 50.28-2 Time and place of hearing.

The Hearing Officer, after careful consideration of the convenience of the parties, shall set a time and place of hearing and shall file with the Hearing Clerk a notice stating the time and place of hearing which shall be served upon the parties. If any change in the time or place of the hearing is made, the Hearing Officer shall file with the Hearing Clerk a notice of such change, which notice shall be served upon the parties, unless it is made during the course of an oral hearing and made a part of the transcript.

§ 50.28-3 Appearances.

The parties may appear in person or by counsel or other representative. Persons who appear as counsel or in a representative capacity for a respondent must conform to the standards of ethical conduct required of practitioners before the courts of the United States.

§ 50.28-4 Failure to appear.

If any party to a proceeding, after being duly notified, fails to appear at the hearing, he shall be deemed to have waived the right to an oral hearing in the proceeding. In the event that a party appears at the hearing and no party appears for the opposing side, the party who is present shall have an election whether to present his evidence, in whole or in part, in the form of affidavits or by oral testimony before the Hearing Officer. Failure to appear at a hearing shall not be deemed to be a waiver of the right to be served with a copy of the Hearing Officer's report and to file exceptions as hereinafter provided.

§ 50.28-5 Order of proceeding.

Except as may be determined otherwise by the Hearing Officer, the moving party shall proceed first at the hearing.

§ 50.28-6 Powers of Hearing Officer.

The Hearing Officer shall have the power to:

- (a) Rule upon motions and requests;
- (b) Set the time and place of hearing, adjourn the hearing from time to time, and change the time and place of hearing;
- (c) Administer oaths and affirmations and take affidavits;
- (d) Examine witnesses;
- (e) Admit or exclude evidence;
- (f) Hear oral argument on facts or law; and
- (g) Do all acts and take all measures necessary for the maintenance of order at the hearing and for the efficient, fair and impartial conduct of the proceeding.

§ 50.28-7 Who may act in the absence of the Hearing Officer.

In case of the absence of the Hearing Officer or his inability to act, the powers and duties to be performed by him under this part in connection with a proceeding assigned to him may, without abatement of the proceeding unless otherwise directed by the Administrator, be assigned to any other Hearing Officer.

§ 50.28-8 Evidence.

(a) *General.* The testimony of witnesses at a hearing shall be upon oath or affirmation and subject to cross-examination. Any witness may, in the discretion of the Hearing Officer, be examined separately and apart from all other witnesses except those who may be parties to the proceeding. The Hearing Officer shall admit all relevant and material evidence, except evidence which is unduly repetitious.

(b) *Objections.* If a party objects to the admission or rejection of any evidence or to the limitation of the scope of any examination or cross-examination, he shall state briefly the grounds for such objection, whereupon an automatic exception will follow if the objection is overruled by the Hearing Officer. The transcript shall not include argument or debate thereon except as ordered by the Hearing Officer. The ruling of the Hearing Officer on any objection shall be a part of the transcript. Only objections

made before the Hearing Officer may subsequently be relied upon in the proceeding.

(c) *Records of the Department.* A true copy of every written entry in the records of the Department, made by an officer or employee thereof in the course of his official duty and relevant and material to the issues involved in the hearing, shall be admissible as prima facie evidence of the facts stated therein, without the production of such officer or employee.

(d) *Exhibits.* Except where the Hearing Officer finds that the furnishing of copies is impracticable, copies of each exhibit, in addition to the original, shall be filed with the Hearing Officer, for the use of the other parties to the proceeding.

(e) *Official notice.* Official notice may be taken of such matters as are judicially noticed by the courts of the United States and of any other matter of technical or scientific fact of established character: *Provided,* That the parties shall be given adequate notice, at the hearing or by reference in the Hearing Officer's report or otherwise, of matters so noticed, and shall be given adequate opportunity to show that such facts are erroneously noticed.

(f) *Offer of proof.* Whenever evidence is excluded from the record, the party offering such evidence may make an offer of proof, which shall be included in the transcript. The offer of proof shall consist of a brief statement describing the evidence to be offered. If the evidence consists of a brief oral statement or of an exhibit, it shall be inserted into the transcript in toto. In such event, it shall be considered a part of the transcript if the Administrator decides that the Hearing Officer's ruling in excluding the evidence was erroneous. The Hearing Officer shall not allow the insertion of such evidence in toto if the taking of such evidence will consume a considerable length of time at the hearing. In the latter event, if the Administrator decides that the Hearing Officer's ruling in excluding the evidence was erroneous, the hearing shall be reopened to permit the taking of such evidence.

§ 50.28-9 Filing the transcript of evidence.

As soon as practicable after the close of the hearing, the Hearing Officer shall transmit to the Hearing Clerk an original and two copies of the transcript of testimony and the original and copies of exhibits introduced in evidence at the hearing. He shall attach to the original transcript of the evidence a certificate stating that the transcript is a true transcript of the testimony offered or received at the hearing, except in such particulars as he shall specify, and that the exhibits transmitted are all the exhibits introduced at the hearing, with such exceptions as he shall specify. A copy of such certificate shall be attached to each of the copies of the transcript of evidence.

§ 50.28-10 Transcripts.

Parties to the proceeding who desire a copy of the transcript of the hearing may place orders at the hearing with the

reporter who will furnish and deliver such copies direct to the purchaser upon payment therefor at the rate per page provided by the contract between the reporter and the Department for such reporting service.

§ 50.28-11 Proposed findings of fact, conclusions, and order.

Within such time as the Hearing Officer may prescribe, each party may file with the Hearing Clerk proposed findings of fact and conclusions, and a brief in support thereof. A copy of each such document filed by a party shall be served upon the other party by the Hearing Clerk.

§ 50.28-12 Hearing Officer's report.

The Hearing Officer, within a reasonable time after the filing of the transcript of evidence, shall prepare and shall file with the Hearing Clerk, a report containing his recommended findings of fact and conclusions, but no recommended order. A copy of such report shall be served by the Hearing Clerk upon each of the parties.

§ 50.28-13 Exceptions; proposed orders; objections.

The complainant, within 20 days, and the respondent within 30 days, after service of the Hearing Officer's report, may take exception to any matter set out in such report and in such case shall file exceptions in writing with the Hearing Clerk, referring to the relevant pages of the transcript, and suggesting corrected findings of fact and conclusions. Complainant and respondent, within such periods of time, shall file their proposed orders, whether or not exceptions are filed. Within the same periods of time, each party shall file with the Hearing Clerk a brief statement in writing concerning each of the objections taken to the action of the Hearing Officer at the hearing, as set out in § 50.28-8(b), upon which the party wishes to rely, referring, where relevant, to the pages of the transcript. A party, if he files exceptions or a statement of objections, may file a brief in support of his exceptions or objections.

§ 50.28-14 Final order.

Within a reasonable time after the expiration of the period for filing exceptions, proposed orders, and objections, the Administrator shall issue and cause to be served upon the parties his final decision and order, including his ruling on any exceptions or objections filed by the parties.

§ 50.29 Summary action.**§ 50.29-1 General.**

In any situation where the integrity of the service would be seriously jeopardized if service were continued pending a decision in the proceeding, service to respondent may be suspended effective on or after the third day after mailing of notice thereof to respondent's last known or designated address or upon actual receipt of such notice, whichever is earlier.

§ 50.29-2 Actual or threatened physical violence.

In any case of actual or threatened physical violence to an inspector or grader, service to respondent may be suspended prior to the transmittal of written notice to respondent. A written notice shall be given as promptly as circumstances permit.

§ 50.30 Filing; number of copies.

Except as is provided otherwise by the rules in this subpart, all documents or papers required or authorized to be filed shall be filed in triplicate: *Provided*, That, where there are more than two parties to the proceeding, a sufficient number of copies shall be filed so as to provide copies for service upon all the parties to the proceeding.

§ 50.31 Service; proof of service.

Copies of all documents or papers required or authorized by the rules in this subpart to be served on any party to a proceeding shall be served by the Hearing Officer, Hearing Clerk, Administrator, or by some other employee of the Department. Except as is provided otherwise by the rules in this subpart, service shall be made either (a) by delivering a copy of the document or paper to the individual to be served or to a member of the partnership to be served or to the president, secretary, or other executive officer or any director of the corporation, organization, or association to be served, or to the attorney, or agent of record of such individual, partnership, corporation, organization, or association; (b) by leaving a copy of the document or paper at the principal office or place of business of such individual, partnership, corporation, organization, or association or of his or its attorney or agent of record; (c) by registering or certifying and mailing a copy of the document or paper, addressed to such individual, partnership, corporation, organization, or association, or to his or its attorney or agent of record, at his or its last known residence or principal office or place of business; or (d) in the case of service upon an attorney or agent of record, by mailing, by regular mail, a copy of the document or paper, addressed to him at his address of record. Proof of service hereunder shall be made by the affidavit of the person who actually made the service: *Provided*, That if the service is made by the Hearing Clerk by regular mail, proof of service shall be made by certification of the Hearing Clerk, and if the service be made by registered or certified mail, proof of service shall be made by the return post office receipt. The affidavit or post office receipt contemplated hereby shall be filed with the Administrator or with the Hearing Clerk (after an oral hearing has been requested) and the fact of filing thereof shall be noted in the record of the proceeding.

§ 50.32 Computation of time.

Saturdays, Sundays, and holidays shall be included in computing the time allowed for the filing of any document or

paper: *Provided*, That, when such time expires on a Saturday, Sunday, or legal holiday, such period shall be extended to include the next following business day.

§ 50.33 Extensions of time.

The time for filing any document or paper required or authorized by the rules in this subpart to be filed may be extended by the Administrator or the Hearing Officer (after an oral hearing has been requested and before the Hearing Officer's report is filed), if request for such extension of time is made prior to or on the final date allowed for such filing, and if in the judgment of the Administrator or Hearing Officer, as the case may be, after notice to and consideration of the views of the other party, when practicable, there is good reason for the extension.

Subpart D—Withdrawal of Recognition of a Nonfederally Inspected Meat Establishment

§ 50.34 Notice.

The Washington office of the Livestock Division shall give written notice (telegram or letter) to the operator of the establishment. The notice shall specify the nature of the violation, the minimum withdrawal period, and the effective date thereof, in accordance with § 53.7 of this chapter.

§ 50.35 Withdrawal on verbal notification.

If circumstances warrant, the withdrawal may be made effective upon verbal notification which shall be confined in writing within 24 hours.

The rules of practice in this part shall become effective upon publication in the FEDERAL REGISTER, provided that they shall not apply to any proceeding initiated prior to that date.

Done at Washington, D.C., April 27, 1966.

S. R. SMITH,
Administrator.

[F.R. Doc. 66-4784; Filed, May 2, 1966; 8:45 a.m.]

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 722—COTTON

Subpart—Marketing Quotas for the 1966 and Succeeding Crops of Upland Cotton and Extra Long Staple Cotton

(a) The provisions of §§ 722.61 to 722.100 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.). These provisions govern the farm marketing quota and farm marketing excess for upland cotton and extra long staple cotton; the rate of

penalty and manner in which penalties shall be paid by producers and buyers; the refunding of penalty overpayments; the records and reports required to be made by cotton producers, ginners, buyers, warehousemen, and others; and other miscellaneous matters regarding the production and marketing of such cotton.

(b) Notice of proposed formulation of regulations for marketing quotas for the 1966 and succeeding crops of upland cotton and extra long staple cotton was published in the FEDERAL REGISTER on April 2, 1966 (31 F.R. 5321), in accordance with section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003). No submissions in response to such notice have been received. Sections 722.61 to 722.100 shall be effective 30 days after publication of this document in the FEDERAL REGISTER.

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AUTHORITY: The provisions of this subpart issued under secs. 301, 344, 345, 346, 347, 362, 363, 365-368, 372-374, 375, 388, 52 Stat. 38, as amended, 63 Stat. 670, as amended, 63 Stat. 674, as amended, 63 Stat. 675, as amended, 52 Stat. 62, as amended, 52 Stat. 63, as amended, 52 Stat. 64, 52 Stat. 65, as amended, 52 Stat. 66, as amended, 52 Stat. 68; 7 U.S.C. 1301, 1344, 1345, 1346, 1347, 1362, 1363, 1365-1368, 1372-1374, 1376, 1388.

GENERAL

§ 722.61 Applicability.

The provisions §§ 722.61 to 722.100 apply to upland cotton and extra long staple cotton produced in 1966 and succeeding years when marketing quotas are in effect and to carryover cotton which is marketed by producers in the 1966-67 and succeeding marketing years. The term "cotton" as used in §§ 722.61 to 722.100 includes upland cotton and extra long staple cotton. However, upland cotton and extra long staple cotton are separate commodities and marketing quotas for upland cotton shall not be combined or commingled with marketing quotas for extra long staple cotton. The regulations in this subpart supersede the Marketing Quota Regulations for the 1964 and Succeeding Crops of Upland Cotton and Extra Long Staple Cotton (29 F.R. 9767, as amended), which applied to the 1964 and 1965 crops of cotton.

§ 722.62 Extent of calculations and rule of fractions.

In making any computation in connection with §§ 722.61 to 722.100, the amount of lint cotton shall be rounded to the nearest whole pound and the amount of penalties or refunds shall be rounded to the nearest whole cent. Fractions of exactly five-tenths of a pound or cent shall be dropped.

§ 722.63 Expiration of time limitations.

The provisions of Part 720 of this chapter concerning the expiration of time limitations shall apply to §§ 722.61 to 722.100.

§ 722.64 Definitions.

(a) **General terms.** In determining the meaning of §§ 722.61 to 722.100, unless the context indicates otherwise, words importing the singular include and apply to several persons or things, words importing the plural include the singular, words importing the masculine gender include the feminine as well, and words used in the present tense include the future as well as the present. The definitions of the following terms in Part 719 of this chapter, as amended, shall apply to §§ 722.61 to 722.100:

Community committee.
County.

County committee.
County office manager.
Cropland.
Deputy administrator.
Farm.
Farm number.
Operator.
Owner.
Person.
Producer.
Representative of the State committee.
Secretary.
Sharecropper.
State committee.
State executive director.
Tenant.

(b) **Cotton program terms.** The following terms shall have the following meanings:

(1) **Acreage planted to cotton on the farm in the current year** (for use in determining compliance with the farm allotment)—the acreage seeded to cotton plus stub cotton acreage (acreage devoted to the production of cotton but seeded prior to the current year) on the farm in the current year, excluding any acreage in excess of the farm allotment which is destroyed or disposed of in accordance with the requirements of Part 718 of this chapter. In determining compliance on farms participating in the export market acreage program for the 1966 crop of upland cotton under section 346(e) of the act, the provisions of § 722.450(o) of the regulations for Acreage Allotments for the 1966 and Succeeding Crops of Upland Cotton (31 F.R. 5313) shall be applicable.

(2) **Act**—Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.).

(3) **Actual production on the farm**—Number of pounds of lint cotton determined to have been produced on the farm in the current year.

(4) **Actual yield per acre**—Number of pounds of lint cotton determined by dividing the actual production on the farm by the number of acres of cotton harvested on the farm.

(5) **Barter or exchange**—The transfer of title to cotton by a producer to another person in exchange for cotton or any other commodity, service, property, or for use of land.

(6) **Buyer**—Person who acquires cotton from a producer by purchase, barter and exchange, gift inter vivos and an agricultural cooperative association which makes agreements with producers under which title to the cotton passes upon delivery of the cotton by the producer and the association is authorized to deal with such cotton as owner.

(7) **Carry-over cotton**—Unmarketed cotton from any previous crop which the producer has on hand as of August 1 of the current year.

(8) **Current year**—Calendar year in which the cotton is planted.

(9) **Director**—Director, or acting director, Farmer Programs Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture.

(10) **Extra long staple cotton**—American-Egyptian, Sea Island, Sealand, and all other varieties of the Barbados species of cotton and any hybrid thereof, and any other cotton in which one or more of these varieties predominate,

produced in an area designated under section 347(a) of the act.

(11) **Farm allotment**—Cotton acreage allotment established for a farm pursuant to section 344 of the act.

(12) **Farm marketing excess**—Normal production of the acreage planted to cotton in excess of the farm allotment subject to any downward adjustment where the actual production is established to be less than such normal production.

(13) **Farm marketing quota**—Actual production of the acreage planted to cotton on the farm less the farm marketing excess.

(14) **Gift inter vivos**—Transfer of title to cotton, accompanied by delivery, by a producer to another person which takes effect immediately and irrevocably and is made without any consideration or compensation therefor.

(15) **Ginner**—Person engaged in the business of ginning cotton.

(16) **Ginning**—Process by which lint cotton is removed from the cotton seed.

(17) **Harvest**—Act of extracting seed cotton from the cotton plant by manual or mechanical means, grazing by livestock and salvage operations. Cotton is available for harvest when the cotton bolls are sufficiently open to permit harvest.

(18) **Lint cotton**—Fiber taken from seed cotton by ginning.

(19) **Market**—To dispose of cotton in raw or processed form by voluntary or involuntary sale, barter, or exchange, or by gift inter vivos.

(20) **Marketing year**—Period beginning August 1 of a crop year and ending July 31 of the following year, both dates inclusive.

(21) **New cotton farm**—Farm for which a cotton acreage allotment is established for the current year and for which there is no history acreage in the 3-year farm base period.

(22) **Normal production on the farm**—The number of pounds of lint cotton determined by multiplying the projected yield of lint cotton for the farm by the number of acres planted to cotton on the farm.

(23) **Penalty**—Amount payable with respect to the farm marketing excess.

(24) **Projected yield for the farm**—Yield determined on the basis of the yield per harvested acre of cotton on the farm during each of the 3 calendar years immediately preceding the year in which such projected farm yield is determined, adjusted for abnormal weather conditions affecting such yield, for trends in yields, and for any significant changes in production practices. In accordance with section 708 of the Food and Agriculture Act of 1965 (79 Stat. 1211; 7 U.S.C. 1306) the projected yield so determined for a farm shall not be less than the actual yield proved by the producer on the farm for the 3-year base period used if the county committee finds that the proof of actual yield furnished by the producer is satisfactory.

(25) **Sale**—Transfer of title to cotton by a producer to another person by any means other than barter or exchange or gift inter vivos.

(26) Seed cotton—Harvested fruit of the cotton plant before ginning.

(27) Upland cotton—Any cotton other than extra long staple cotton.

FARM MARKETING QUOTA AND FARM MARKETING EXCESS

§ 722.65 Cotton subject to marketing quotas.

If marketing quotas are in effect for a crop of cotton, all cotton produced from such crop of cotton shall be subject to marketing quotas, including cotton of such crop available for marketing prior to the beginning or after the ending of the marketing year which begins in the year when such crop of cotton is planted.

§ 722.66 Farm marketing quota and farm marketing excess.

(a) *Farm marketing quota.* The farm marketing quota for the current year's crop shall be that number of pounds of lint cotton of such crop produced on the farm less the amount of the farm marketing excess for such year's crop.

(b) *Farm marketing excess.* The county committee shall establish the farm marketing quota and farm marketing excess for each farm on which the acreage planted to cotton in the current year exceeds the farm allotment. The farm marketing excess for the current year's crop shall be the normal production of the acreage planted to cotton on the farm in excess of the farm allotment for such year's crop. For a farm having a zero allotment, or no allotment, the entire acreage planted to cotton shall be used in determining the farm marketing excess. Where it is established to the satisfaction of the county committee by any producer on the farm in accordance with § 722.68 that the actual production of cotton on the farm in the current year is less than the normal production of the acreage planted to cotton on the farm in such year, the farm marketing excess shall be adjusted downward to the amount by which such actual production exceeds the normal production of the farm allotment. In the case of the 1966 crop of upland cotton, there shall be no farm marketing excess if the farm is in compliance with the export market provisions of § 722.450 of the regulations for Acreage Allotments for the 1966 and Succeeding Crops of Upland Cotton (31 F.R. 5311).

§ 722.67 Notice of farm marketing excess and farm marketing quota.

The county committee shall mail to the farm operator a written notice of farm marketing excess and farm marketing quota for any farm with a farm marketing excess. The notice shall contain substantially the following statement: "To all persons who as operator, landlord, tenant, or sharecropper, for the crop year shown above, are interested in the cotton described herein and produced on this farm." Notice so given shall constitute notice to all such persons. Such notice shall also contain a brief statement of the procedure whereby application for review of the marketing quota may be made under section 363 of

the Act. Such notice shall bear the actual or facsimile signature of a member of the county committee. The facsimile signature may be affixed by the county committeeman or an employee of the county office. A copy of each notice containing a notation thereon of the date of mailing the notice to the operator of the farm shall be kept among the permanent records of the county committee and, upon request, a copy thereof, duly certified as a true and correct copy shall be furnished without charge to any person who as operator, landlord, tenant, or sharecropper, is interested in the cotton produced in the current year on the farm for which the notice is given.

§ 722.68 Farm marketing excess adjustment.

(a) *Application for adjustment in the farm marketing excess.* Any producer having an interest in the cotton produced in the current year on a farm with a farm marketing excess may apply in writing to the county committee for a downward adjustment of the farm marketing excess on the basis of the amount of cotton produced in such year on the farm. Any such application shall be filed with the county committee not later than the earlier of (1) 60 days after harvest of such cotton crop is completed on the farm or by such later date as is approved by the State committee on the basis of a recommendation by the county committee and a showing that the producer's failure to apply for such adjustment within the 60-day period was due to circumstances beyond his control or (2) March 15 of the year following the year in which the cotton was planted. If the harvesting of cotton on the farm has not been completed by March 15 of the year following the year in which the cotton was planted but an application has been timely filed under this paragraph, the producer may request the county committee to provide for an estimate to be made of the amount of unharvested cotton on the farm in order that a final determination of the actual production on the farm for such year may be made. The county committee shall notify the applicant of the time and place of the hearing regarding his application. Unless application for an adjustment in the farm marketing excess is made within the period of time provided for in this paragraph, the farm marketing excess as determined pursuant to § 722.66 shall be final as to the producers on the farm. Notwithstanding the foregoing provisions of this paragraph whenever the county committee determines that no cotton has been or will be produced on a farm with a farm marketing excess for the year for which such farm marketing excess is determined, the county committee may adjust the farm marketing excess and notify the operator of such adjustment, as provided in paragraph (b) of this section.

(b) *County committee action on an application for adjustment in the farm marketing excess.* The county committee shall consider each application on the basis of facts known by or made avail-

able to it and on the basis of such evidence as may be presented to it by the applicant. The cotton acreage on the farm for the crop year in question shall be determined by official measurement, or such other method of ascertaining acreage as may be authorized for the farm under section 374(a) of the act (79 Stat. 1210), before the county committee approves a determination of the actual production of cotton on the farm. The actual production of cotton in such crop year on any farm shall be determined in view of the relevant facts, including the acreage planted to cotton in such crop year on the farm, the past production on the farm, the actual yields per acre in such crop year for other farms in the community which are similar with regard to farming practices followed, type of soil and productivity; the harvesting, ginning and sales of the cotton produced on the farm in such crop year; and weather conditions and other factors in such crop year affecting the production of cotton on the farm and in the locality in which the farm is situated. In the consideration of any application for adjustment in the farm marketing excess the producer shall have the burden of proof. The evidence presented by the applicant may be in the form of written statements or other documentary evidence or of oral testimony in a hearing before the county committee during its consideration of the application. In order to expedite the consideration of applications, the county committee shall receive, in advance of the time fixed for consideration of the application, any written statement or documentary evidence offered by or on behalf of the applicant, and the application may be disposed of upon the basis of such statement or evidence, together with any other information bearing on or establishing the facts, which is available to the county committee, unless the applicant appears before the county committee at the time fixed for consideration of the application and requests a hearing for the purpose of offering additional documentary evidence or oral testimony, in support of the application. Every such hearing shall be open to the public. The county committee shall make its determination in connection with each application not later than 5 calendar days next succeeding the day on which the consideration of the application was concluded. The determination of the county committee shall be in writing and shall contain (1) a concise statement of the grounds upon which the applicant sought an adjustment in the amount of the farm marketing excess, (2) a concise statement of the findings of the county committee upon the question of fact and (3) the determination of the county committee as to the farm marketing quota, the actual production of cotton on the farm, the farm marketing excess, and the penalty due on the farm marketing excess. The determination made by the county committee under this paragraph shall be subject to approval by a representative of the State committee. A notice showing the result of the determination made as aforesaid, shall be

mailed to the operator of the farm and also to the applicant if he is not such operator.

(c) *Application for adjustment in the farm marketing excess in cases where the initial notice of farm marketing excess mailed after 30 days prior to expiration of filing period established under paragraph (a) of this section.* Notwithstanding the provisions of paragraph (a) of this section, in any case where the initial notice of farm marketing excess is mailed to the farm operator any time after a date which is 30 days prior to the expiration date for filing application for the crop year under paragraph (a) of this section, any producer having any interest in the cotton produced on the farm in such crop year may apply in writing to the county committee for a downward adjustment in the amount of the farm marketing excess on the basis of the amount of cotton produced in such crop year on the farm. Any such application shall be filed with the county committee not later than 30 days after the date of mailing of such notice of farm marketing excess to the farm operator. The county committee shall keep a record of each application so made and the date thereof. The county committee shall notify the applicant of the time and place of the hearing regarding his application. Unless application for an adjustment in the farm marketing excess in cases arising under this paragraph is made within the period of time provided for in this paragraph, the farm marketing excess as determined pursuant to § 722.66 shall be final as to the producers on the farm. The procedures provided in paragraph (b) of this section shall be followed to the extent practicable in cases arising under this paragraph.

§ 722.69 Publication of the farm allotment, projected yield, marketing quota, and marketing excess.

A record of the farm allotment, projected yield, farm marketing quota, and farm marketing excess established for farms in the county shall be kept readily available in the office of the county committee for public inspection for a period of not less than 30 calendar days. At the end of such period, the records shall be filed in the office of the county committee and remain readily available for further public inspection. Copies of notices, or other compilations upon which the pertinent data are shown may be used for this purpose.

§ 722.70 Marketing quotas for upland cotton and extra long staple cotton not interchangeable, special situations for transfer of marketing quotas between farms.

A farm marketing quota for cotton established for a farm may not be assigned or otherwise transferred in whole or in part to any other farm except in the following special situations: (a) Release and reapportionment of cotton allotments under section 344(m)(2) of the act; (b) natural disaster transfers of cotton allotments under section 344(n) of the act; (c) transfers of pooled cot-

ton allotments under section 378 of the act; (d) transfers of allotments for upland cotton only under section 344a of the act; (e) exchange of rice allotments for upland cotton only under subsection (h) of section 344a of the act; and (f) transfers of cotton allotments under 7 U.S.C. 1305. Under sections 345 and 347 of the act, farm marketing quotas are established for each crop year for both upland and extra long staple cotton. The farm marketing quota established for a crop of upland cotton may not be used in whole or in part in connection with the marketing of extra long staple cotton nor may the farm marketing quota established for a crop of extra long staple cotton be used in whole or in part in connection with the marketing of upland cotton.

§ 722.71 Successors-in-interest.

Any person who succeeds to the interest of a producer in a farm, or in a cotton crop produced on a farm, for which a farm marketing quota and farm marketing excess were established, including a farm on which cotton was planted in a crop year but for which a farm cotton allotment was not established for such crop year, shall, to the same extent as his predecessor, be entitled to all the rights and privileges incident to such marketing quota and marketing excess and be subject to the penalty on the farm marketing excess and to the lien on the entire crop of cotton and to the restrictions on the marketing of cotton. However, a successor to a deceased producer shall not be personally liable for an unpaid marketing quota penalty incurred by the producer prior to his death, but a suit may be brought to enforce the lien for the penalty against the cotton.

§ 722.72 Review of quotas.

Any producer who is dissatisfied with the farm marketing quota and farm marketing excess determined for his farm, may, by making application in writing within 15 days after the mailing to him of the notice provided in § 722.67 or § 722.68, have such farm marketing quota and farm marketing excess reviewed by a review committee pursuant to section 363 of the act and the Marketing Quota Review Regulations set forth in Part 711 of this chapter, a copy of which may be obtained from the county committee.

§ 722.73 Exemption for publicly owned agricultural experiment stations.

The farm marketing quota and penalty shall not apply to the marketing of any cotton grown for experimental purposes only on a farm (a) operated by a publicly owned agricultural experiment station and produced at public expense by employees of the experiment station or (b) operated by a person under a written agreement with a publicly owned agricultural experiment station, approved by the State committee, whereby the experiment station bears the costs and risks of production of the cotton and the proceeds of the crop inure to the benefit of the experiment station. Farm

marketing quotas shall apply to any other cotton produced by a publicly owned agricultural experiment station which is not produced for experimental purposes only.

§ 722.74 Determination of planted acreage.

The county committee shall provide for determining the acreage planted to cotton on farms in accordance with Part 718 of this chapter, as amended.

IDENTIFICATION OF COTTON

§ 722.75 Identification of cotton by producer.

Each producer of cotton shall, at the time he markets any cotton, identify the cotton to the buyer as being (a) not subject to the penalty provided under this subpart and not subject to the lien for such penalty, or (b) subject to the penalty provided under this subpart and subject to the lien for such penalty. The producer shall furnish to the buyer in connection with such identification of the cotton the following:

- (1) Name and address of producer.
- (2) County and State where farm on which the cotton was produced is located.
- (3) Farm number.
- (4) Whether the cotton is current year's crop or carryover cotton.

§ 722.76 Identification of cotton; by buyer.

Each buyer of cotton from a producer shall obtain from such producer the identification of cotton required under § 722.75. In addition, before acquiring any cotton, each buyer of cotton shall obtain from the county committee of each county where the cotton being offered to him was produced, or from the State executive director, a list showing the names and addresses of producers and the farm number for each farm in the county on which such producers are subject to the penalty for the current year's crop and any unpaid penalty for a previous crop. If there are no farms in such county subject to the penalty for the current year's crop or a previous crop, the list shall so state. The county committee or the State executive director shall furnish such list to any buyer of cotton upon request. The buyer shall determine whether the name of the producer and farm number furnished him by the producer who identifies cotton under § 722.75 appear on the list obtained for the applicable county. If the name of the producer and farm number so furnished appear on such list, or if the producer identifies the cotton as subject to penalty, the buyer shall take the cotton as subject to penalty at the applicable rate and to the lien for the penalty.

§ 722.77 Marketing of penalty free cotton.

Each buyer of cotton which is identified in accordance with §§ 722.75 and 722.76 as not subject to the penalty provided under this subpart and not subject to the lien for such penalty, may purchase the cotton so identified without collection, deduction, or payment of the penalty.

§ 722.78 Marketing of penalty cotton.

Each buyer of cotton which is identified in accordance with § 722.75 or § 722.76 as being subject to the penalty and the lien for such penalty shall take such cotton as subject to penalty at the applicable rate and to the lien for the penalty and such buyer shall collect the required penalty or deduct the required penalty from the purchase price of the cotton and remit the amount thereof to the county committee. In addition, each buyer of cotton shall collect penalty at the applicable rate or deduct such penalty from the purchase price of the cotton and remit the amount thereof to the county committee in each case where such buyer has not obtained the applicable list as required under § 722.76.

PENALTY

§ 722.79 Rate of penalty.

(a) Upland cotton: The rate of penalty for upland lint cotton is 50 percent of the parity price for upland cotton as of June 15 of the year in which the cotton is planted, as provided in section 346(a) of the act.

(b) Extra long staple cotton: The rate of penalty for extra long staple lint cotton is the higher of 50 percent of the parity price for ELS cotton as of June 15 of the year in which the ELS cotton is planted, or 50 percent of the support price for such crop of ELS cotton as provided in sections 346(a) and 347(c) of the act.

(c) Section 722.100 will be amended annually to set forth the exact rate of the penalty for upland and ELS cotton for each year.

§ 722.80 Lien for the penalty.

(a) Upland cotton. Until the penalty on the farm marketing excess of upland cotton for any crop year is paid, all upland cotton produced on the farm in such crop year and marketed shall be subject to the penalty at the rate prescribed in § 722.79(a) for upland cotton and a lien on such entire crop of upland cotton produced on the farm shall be in effect in favor of the United States.

(b) Extra long staple cotton. Until the penalty on any farm marketing excess of ELS cotton for any crop year is paid, all ELS cotton produced on the farm in such crop year and marketed shall be subject to the penalty at the rate prescribed in § 722.79(b) for ELS cotton and a lien on such entire crop of ELS cotton produced on the farm shall be in effect in favor of the United States. Notwithstanding the definition of ELS cotton in § 722.64(b)(10), the lien in favor of the United States under this paragraph applies to the varieties of cotton named in such definition wherever grown in the United States.

§ 722.81 Interest on unremitted penalty.

The person liable for the payment or collection of the penalty shall be liable also for interest on the amount of penalty which is not remitted in accordance with § 722.78 at the rate of 6 percent per annum from the final date for remitting the penalty until the date such penalty is remitted. The computation

of interest on any penalty due shall be made beginning with the day following the final date for remitting the penalty.

§ 722.82 Payment of penalty by producers.

(a) Producer liable for payment of penalty. Each producer having an interest in the crop of cotton on any farm produced in a crop year for which a farm marketing excess has been determined shall be liable for the entire amount of the penalty on the farm marketing excess. The amount of the penalty which any producer shall pay shall nevertheless be reduced by the amount of the penalty which is paid by another producer or a buyer of cotton produced on the farm.

(b) Time when penalty becomes due and payable. The farm marketing excess for a farm shall be regarded as available for marketing and the penalty thereon shall become due at the time any cotton produced on the farm is harvested or is available for harvest. The amount of the penalty on the farm marketing excess for any farm shall be remitted on the date it becomes due or not later than March 15 of the year following the year in which the cotton was planted, even though the cotton is not harvested: *Provided*, That the penalty on any bale or lot of cotton marketed from a farm for which the penalty on the farm marketing excess has not been paid shall be due on the date of such marketing and shall be remitted not later than 7 calendar days next succeeding the end of the calendar week in which the cotton was marketed.

(c) Time when penalty becomes due in cases where the initial notice of farm marketing quota and farm marketing excess mailed after 30 days prior to time when penalty would become due under paragraph (b) of this section. Notwithstanding the provisions of paragraph (b) of this section, in any case where the initial notice of farm marketing quota and farm marketing excess is mailed to the farm operator any time after a date which is 30 days prior to the time when penalty would become due under paragraph (b) of this section, the penalty on the farm marketing excess shall become due 30 days after mailing of such notice of farm marketing quota and farm marketing excess to the farm operator.

§ 722.83 Payment of penalty by buyers.

(a) Buyers liable for payment of penalty. Each person within the United States who buys or acquires from the producer any cotton subject to the lien for the penalty shall be liable for and shall pay the amount of the penalty on each pound thereof in satisfaction of the lien thereon.

(b) Time when penalty becomes due. The penalty to be paid by any buyer pursuant to paragraph (a) of this section shall become due at the time the cotton is marketed and shall be remitted not later than 7 calendar days next succeeding the end of the calendar week in which the cotton was marketed. Cotton shall be deemed to be sold when either title

to or actual or constructive possession of the cotton is delivered by or on behalf of the producer or any part of the purchase price is paid. Cotton shall be deemed to have been marketed by barter or exchange when it is delivered to another person by actual or constructive delivery or such person has received any part of the property, goods, or services for which the cotton is being bartered or exchanged. Cotton shall be deemed to have been marketed by gift *inter vivos* when there is actual or constructive delivery of the cotton to another person during the lifetime of the producer. Cotton shall be deemed to have been marketed in processed form when the producer, or some person on his behalf, converts cotton into an article of trade and thereby causes the cotton to lose its identity as lint cotton. An article of trade is any article made in whole or in part from cotton for the purpose of marketing such article.

(c) Manner of deducting penalty and issuance of receipts. The buyer may deduct from the price paid for any cotton an amount equivalent to the amount of the penalty to be paid by the buyer pursuant to paragraph (a) of this section. Any buyer who deducts an amount equivalent to the penalty shall issue to the person from whom the cotton was purchased a receipt for the amount so deducted.

§ 722.84 Remittance of penalty to the county office manager.

The county office manager for and on behalf of the Secretary shall receive the penalty and any interest due thereon and issue a receipt therefor to the person remitting the penalty as required by established fiscal procedure. The penalty and interest shall be remitted only in legal tender or by check, draft, or money order drawn payable to the order of Agricultural Stabilization and Conservation Service, USDA. All checks, drafts, or money orders tendered in payment of the penalty and interest shall be received by the county office manager subject to collection and payment at par.

§ 722.85 Deposit of funds.

All funds received by the county office manager in connection with penalties for cotton shall be scheduled and transmitted by him on the day received or not later than the morning of the next succeeding business day, to the State committee, which, in accordance with applicable instructions, shall cause such funds to be deposited to the credit of the Treasurer of the United States. In the event the funds so received are in the form of cash, the county office manager shall deposit such cash in the county committee bank account and issue a check in the amount thereof payable to the Agricultural Stabilization and Conservation Service, USDA, and transmit such check to the State committee. The county office manager shall make and keep a record of each amount received by him, showing the name of the person who remitted the funds, the identification of the farm or farms for which the funds were remitted, and the names of the per-

sons who marketed the cotton in connection with which the funds were remitted.

§ 722.86 Refunds of money in excess of the penalty.

(a) *Determination of refunds.* The county committee and the county office manager, upon their own motion or upon the request of any interested person, shall review the amount of money received in connection with the penalty for any farm to determine for each producer the amount thereof, if any, which is in excess of the penalty incurred. The excess amount shall be refunded. Any refund shall be made only to persons who bore the burden of the payment and who have not been reimbursed therefor. The excess sum shall be first applied, insofar as the sum will permit, so as to make refunds to eligible persons other than producers and the remainder, if any, shall be applied so as to make refunds to the eligible producers. No refund shall be made to any buyer of any amount which he collected from the producer, deducted from the price or other consideration for the cotton or for which he was liable.

(b) *Certification of refunds.* A member of the county committee, or the county office manager, shall notify the State committee of the amount which the county committee determines may be refunded to each person with respect to the farm, and the State committee shall cause to be certified to the appropriate Disbursing Officer of the Treasury Department for payment such amounts as are approved by it. No refund of money shall be certified under this section unless the money has been collected and transmitted to the State committee but has not been covered into the general fund of the Treasury of the United States.

§ 722.87 Refund of penalty erroneously, illegally, or wrongfully collected.

Whenever a claim for refund of any sum of money erroneously, illegally, or wrongfully collected as a penalty with respect to cotton is duly filed in accordance with section 372 of the act and §§ 714.21 to 714.28, Subpart—Cotton Marketing Quota Provisions, of Part 714 of this chapter, as amended, and a determination is duly made that a part or all of the penalty was erroneously, illegally, or wrongfully collected, a refund of such penalty or part thereof shall be made as provided in the regulations pertaining to refunds of penalties (§§ 714.21 to 714.28 of this chapter).

§ 722.88 Report of violations and court proceedings to collect penalty.

The county office manager shall report in writing to the State executive director each case of failure or refusal to pay the penalty or to remit the same as provided in §§ 722.61 to 722.100 to the county office manager when collected. The State executive director shall report each such case in writing to the Office of the General Counsel of the U.S. Department of Agriculture, in accordance with instructions issued by the deputy administrator,

with a view to the institution of proceedings by the U.S. Attorney for the appropriate district, under the direction of the Attorney General of the United States, to collect the penalties as provided in section 376 of the act.

RECORDS AND REPORTS

§ 722.89 Records to be kept and reports to be made by ginners.

(a) *Necessity for records and reports.* Each ginner shall, in conformity with section 373(a) of the act, keep the records and make the reports prescribed by this section which the Secretary hereby finds to be necessary to enable him to carry out, with respect to cotton, the provisions of the act.

(b) *Ginner's record of cotton ginned.* Each ginner shall keep, for each crop year, as a part of or in addition to the records maintained by him in the conduct of his business, a record showing with respect to each bale, and each lot of cotton less than a bale, ginned by him the following information: (1) The date the seed cotton was delivered to the gin; (2) the name of the operator of the farm on which the cotton was produced; (3) the name of the producer of the cotton; (4) the name and address of the person who delivered the cotton to the gin in those cases where the ginner has doubt as to the accuracy of the name of the farm operator or producer of the cotton as furnished; (5) the county and State in which the farm on which the cotton was produced is located; (6) the gin bale number or mark or other identification; and (7) the gross weight of each bale of cotton and (the net weight of) each lot of lint cotton less than a bale ginned by the ginner.

(c) *Requests for reports.* Each ginner, upon written request of the State committee, State executive director, or county committee, shall make a report showing the information provided for in this section, or any part thereof as specified in the request, with respect to cotton ginned for the person or persons specified in the request or for the period of time specified in the request. This report shall be filed not later than the date designated by the State committee, State executive director, or county committee in the written request for such report.

(d) *Manner of submitting reports.* The county office manager designated in the request for such report, or his successor in office, is hereby authorized and empowered to receive each such report on behalf of the Secretary. Each report shall be mailed or delivered directly to the said county office manager.

§ 722.90 Records to be kept and reports to be made by buyers.

(a) *Necessity for records and reports.* Each person who buys or acquires seed cotton or lint cotton from the producer thereof, in conformity with section 373 (a) of the act, shall keep the records and make the reports prescribed by this section which the Secretary hereby finds to be necessary to enable him to carry out, with respect to cotton, the provisions of the act.

(b) *Nature of records.* Each buyer shall keep for each crop year, as a part of or in addition to the records maintained by him in the conduct of his business, a record which shall show with respect to each bale of cotton, and each lot of cotton less than a bale, which is purchased by him from the producer thereof the following information: (1) The name and address of the producer from whom the cotton was purchased; (2) the date on which the cotton was purchased; (3) the original gin bale number and warehouse receipt number; or if there is no gin bale number, the gin bale mark or other information showing the origin or source of the cotton and in the case of seed cotton purchased, the number of pounds of seed cotton and the known or estimated amount of lint in such seed cotton; (4) the number of pounds of lint cotton in each bale, and each lot of lint cotton less than a bale, purchased from the producer; and (5) the amount of penalty collected in connection with the cotton purchased from the producer. The county committee shall, upon request of any buyer, furnish to him without cost blank copies of Form MQ-80-Cotton, which may be used by him for the purpose of keeping the records required pursuant to this paragraph.

(c) *Buyer's record and report.* In the event the county committee, the State committee, or State executive director has reason to believe that any buyer failed or refused to collect or to remit the penalty required to be collected by him for any cotton which he purchased, or otherwise in any manner failed or refused to comply with §§ 722.61 to 722.100, the buyer shall, within 15 days after a written request therefor by either the county committee, State committee, or State executive director is sent to him by certified mail at his last known address, make a report verified as true and correct on Form MQ-80-Cotton, to the designated county office manager with respect to cotton purchased or acquired by him from the person or persons specified in the request or purchased or acquired by him during the period of time specified in the request. Such report shall include the information required to be kept under paragraph (b) of this section for each bale of cotton, and each lot of cotton less than a bale, purchased by such buyer.

(d) *Manner of submitting report.* The county office manager for the county in which the cotton covered by the report was produced is hereby authorized and empowered to receive for and on behalf of the Secretary, each report required pursuant to this section. Each report shall be mailed or delivered directly to the said county office manager.

§ 722.91 Records to be kept by warehousemen, processors, and others.

Each warehouseman, processor (including compressman), common carrier, or other person, as defined in section 373(a) of the act, who stores, processes (including compressing), transports as a common carrier or otherwise deals with cotton from, for, or on behalf of the

producer thereof, shall for each crop year keep the records relating to such cotton which are normally kept by persons engaged in the same or similar business. The Secretary hereby finds such records to be necessary to enable him to carry out, with respect to cotton, the provisions of the act.

§ 722.92 Availability of records kept by ginners, buyers, warehousemen, and others.

Each ginner, buyer, warehouseman, processor (including compressman), common carrier, or other person as defined in section 373(a) of the act, who gins, buys, stores, processes (including compressing), transports as a common carrier, or otherwise deals with cotton from, for, or on behalf of the producer thereof, shall make available for examination and inspection by the Secretary or by any authorized representative of the Secretary, the records kept in his business concerning such cotton, for the purpose of ascertaining the correctness of any report made or record kept pursuant to §§ 722.61 to 722.100, or of obtaining the information required to be furnished in any report pursuant to §§ 722.61 to 722.100, but not so furnished. The records to be kept pursuant to the provisions of §§ 722.89, 722.90, and 722.91 shall be kept available for examination and inspection by the Secretary, or by any authorized representative of the Secretary, until December 31 of the second year following the year in which the cotton is planted. Such records shall be kept for such longer period of time as may be requested in writing by the State executive director or by the director.

§ 722.93 Penalty for failure or refusal to keep records or make reports.

Any ginner, buyer, warehouseman, processor (including compressman), common carrier, or other person, as defined in section 373(a) of the act who gins, buys, acquires, stores, processes (including compressing), transports as a common carrier, or otherwise deals with cotton from, for, or on behalf of the producer thereof who fails to keep the records, make the reports as required by § 722.89, § 722.90, or § 722.91, or who makes any false report or false record shall, as provided for in section 373(a) of the act, be deemed guilty of a misdemeanor and upon conviction thereof, shall be subject to a fine of not more than \$500 for each such offense.

§ 722.94 Records to be kept and reports to be made by producers.

(a) *Necessity for records and reports.* Each person who produces or who has produced in any crop year, cotton which is subject to the provisions of §§ 722.61 to 722.100 shall, in conformity with section 373(b) of the act, keep the records and make the reports prescribed by this section, which records and reports the Secretary hereby finds to be necessary to enable him to carry out, with respect to cotton, the provisions of the act. The records required to be kept pursuant to this section shall be kept until December

31 of the second year following the year in which cotton is planted, or for such longer period of time as may be requested in writing by the State executive director or by the director.

(b) *Cotton marketed to persons not within the United States.* In each case where cotton is marketed to any person not within the United States the producer shall furnish to the county committee within 15 days next succeeding the day on which the cotton was marketed, the name and address of the buyer or transferee, the amount of cotton, and indicate that such person is not within the United States.

(c) *Farm operator's report.* The operator of the farm shall file with the county office manager for the county in which the farm is located a farm operator's report on Form MQ-98-Cotton in the following cases: (1) Where the producer is making an application for a downward adjustment in the farm marketing excess pursuant to § 722.68 except that the county committee may waive this requirement in case it determines that the evidence otherwise submitted by the producer is satisfactory evidence of the actual production of cotton on the farm; (2) where a farm marketing excess is determined for the farm but an application for downward adjustment in the farm marketing excess has not been filed and the county office manager or the State executive director requests the report in writing; and (3) where a farm marketing excess is not established but the county office manager or the State executive director determines that a farm operator's report is necessary for proper administration of §§ 722.61 to 722.100 and requests such report in writing. Upon written request by the county office manager or the State executive director for a farm operator's report on Form MQ-98-Cotton, the operator of the farm shall make the report in the manner specified in this paragraph not later than the date designated in the request. Form MQ-98-Cotton shall show for the farm the following information or any part thereof as specified in such request for a specified crop year: (i) the date harvesting of the crop of cotton was completed on the farm, the date of the last ginning of cotton produced on the farm, and the acreage of cotton on the farm; (ii) the total number of pounds of lint cotton ginned from the crop of cotton; (iii) the name and address of each ginner who ginned such cotton and the number of and net weight of bales or lots less than a bale ginned by him; (iv) the total amount of seed cotton of the crop marketed; (v) the total amount of lint cotton of the crop marketed; (vi) the amount of unmarketed cotton of the crop on hand; (vii) the total number of pounds of lint cotton produced from such crop; (viii) the name and address of each buyer of such crop lint or seed cotton and the amount thereof marketed to him; and (ix) the amount of penalty paid by the producer or collected by the buyer.

(d) *Manner of submitting reports.* The county office manager for the

county in which the cotton covered by the report was produced is hereby authorized and empowered to receive, for and on behalf of the Secretary, each report required pursuant to this section. Each report shall be mailed or delivered directly to such county office manager.

§ 722.95 Enforcement.

The county office manager shall report in writing to the State executive director each case of failure or refusal to make any report or keep any record as required by §§ 722.61 to 722.100 and so to report each case of making any false report or record. The State executive director shall report each such case in writing to the Office of the General Counsel of the U.S. Department of Agriculture, in accordance with instructions issued by the deputy administrator, with a view to the institution of proceedings by the U.S. Attorney for the appropriate district, under the direction of the Attorney General of the United States, to enforce the provisions of the act.

§ 722.96 Revision of county committee determinations and erroneous notices.

(a) *Revision of determinations.* In any case where a determination of the county committee under §§ 722.61 to 722.100 is found to be in error, the county committee on its own motion or upon request of a representative of the State committee, shall revise such determinations.

(b) *Erroneous notices of cotton allotment and planted acreage.* In any case where an erroneous notice of cotton allotment or an erroneous notice of planted acreage is issued, the county committee shall follow the applicable upland or ELS cotton acreage allotment regulations and the provisions of Part 718 of this chapter.

§ 722.97 Supervisory authority of State committee.

The State committee may take any action required to be taken by the county committee which the county committee fails to take and the State committee may correct or require the county committee to correct any action taken by such county committee which is not in accordance with §§ 722.61 to 722.100. The State committee may also require the county committee to withhold taking any action which is not in accordance with §§ 722.61 to 722.100. A copy of each notice issued by the State committee hereunder shall be kept among the permanent records of the appropriate county committee and copies thereof shall be made available in accordance with the provisions of §§ 722.61 to 722.100 to any person who as operator, landlord, tenant, or sharecropper, is interested in the cotton produced on the farm for which the notice is given.

§ 722.98 Availability of records.

The State and county committees shall make available for inspection by owners or operators of farms receiving cotton allotments all records pertaining to cotton allotments and marketing quotas.

§ 722.99 Designation of representatives of the Secretary to examine records.

(a) *Designation of representatives.* In order to carry out the provisions of §§ 722.89 to 722.92, relating to the examination of records, the deputy administrator is hereby authorized and directed to designate in writing with the counter signature of the State executive director, an appropriate number of persons from the officers or employees of the Department of Agriculture to act as the authorized representatives of the Secretary for the purpose of said provisions. In addition, investigators, and accountants (special agents), Office of the Inspector General, U.S. Department of Agriculture are hereby designated as authorized representatives of the Secretary for the purposes of said provisions.

(b) *Authorization to administer oaths.* Each person designated pursuant to this section to act as the authorized representative of the Secretary is hereby authorized and empowered under 5 U.S.C. 521 to administer to or take from any person an oath, affirmation, or affidavit whenever such oath, affirmation, or affidavit is for use in any prosecution or proceeding under or in the enforcement of the cotton marketing quota provisions of the act or §§ 722.61 to 722.100.

§ 722.100 Penalty rate for each crop year.

This section will be amended annually to establish the penalty rate for each crop year pursuant to § 722.79.

Note: The recordkeeping and reporting requirements of these regulations have been approved by, and subsequent recordkeeping and reporting requirements will be subject to, the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Effective date. Thirty days after publication of this document in the FEDERAL REGISTER.

Signed at Washington, D.C., on April 27, 1966.

H. D. GODFREY,
Administrator, Agricultural
Stabilization and Conservation
Service.

[F.R. Doc. 66-4781; Filed, May 2, 1966;
8:45 a.m.]

PART 722—COTTON

Subpart—1966 Crop of Upland Cotton; Acreage Allotments and Marketing Quotas

REVISED COUNTY PROJECTED YIELDS

Basis and purpose. This amendment to § 722.275 is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.), to revise the 1966 county projected yields for upland cotton for certain counties as established under section 301(b) (13) (L) of the act.

Revisions were made on the basis of corrected official yield estimates for 1 or more years of the base period, 1960-64,

and ASC State Committee recommendations.

Since the only purpose of this amendment to § 722.275 is to revise the county projected yields for certain counties as published in the FEDERAL REGISTER on December 29, 1965 (30 F.R. 16185), it is hereby found and determined that compliance with the notice, public procedure and 30-day effective date requirements of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) is unnecessary. Accordingly, this amendment shall be effective upon filing this document with the Director, Office of the Federal Register.

The projected yields for the following counties as established under paragraph (g) of § 722.275 are corrected to read as follows:

County	Projected yield (pounds per acre)
ARKANSAS	
Pulaski	516
LOUISIANA	
Bossier	545
Grant	546
LaSalle	584
Natchitoches	545
NEW MEXICO	
Luna	934
Roosevelt	533
TEXAS	
Houston	333

(Sec. 301(b) (13) (L), (M), 79 Stat. 1197;
7 U.S.C. 1301(b) (13) (L), (M))

Effective date. Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on April 28, 1966.

H. D. GODFREY,
Administrator, Agricultural Sta-
bilization and Conservation
Service.

[F.R. Doc. 66-4808; Filed, May 2, 1966;
8:47 a.m.]

PART 722—COTTON

Subpart—1967 Crop of Upland Cotton; Acreage Allotments and Marketing Quotas

REFERENDA FOR OUT-OF-COUNTY TRANSFERS OF ALLOTMENTS

Section 722.461 is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.).

(a) The purpose of § 722.461 is to fix the time for holding referenda on out-of-county transfers of upland cotton allotments by sale or lease in designated counties under section 344a of the act.

(b) Notice of the proposed fixing of the time for holding the referenda of 1966 upland cotton producers in designated counties as to out-of-county transfers of upland cotton allotments by sale or lease to take effect during 1967, 1968, and 1969 was published in the FEDERAL REGISTER on April 8, 1966 (31 F.R. 5570). No submissions in response to such notice were received. Since the period for hold-

ing these referenda begins less than 30 days from the date of filing this document with the Director, Office of the Federal Register, compliance with the 30-day effective date requirement of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) is impracticable and contrary to the public interest. Accordingly, § 722.461 shall be effective upon filing this document with the Director, Office of the Federal Register.

§ 722.461 Referenda on transfers of allotment by sale or lease in designated counties.

(a) *Authority.* Subsection (b) (ii) of section 344a of the act provides as follows:

(ii) No farm allotment may be sold or leased for transfer to a farm in another county unless the producers of cotton in the county from which transfer is being made have voted in a referendum within 3 years of the date of such transfer, by a two-thirds majority of the producers participating in such referendum, to permit the transfer of allotments to farms outside the county, which referendum, insofar as practicable, shall be held in conjunction with the marketing quota referendum for the commodity; * * *

This provision permits transfer of allotment by sale or lease out of a county to another county in the same State if the referendum vote is favorable.

(b) *Referenda held on November 23, 1965.* Referenda under subsection (b) (ii) of section 344a of the act were held on November 23, 1965, in all counties of the United States for which upland cotton allotments were established for the 1965 crop (§ 722.261, 29 F.R. 16775) with respect to transfers by sale or lease across county lines within the same State to become effective in 1966, 1967, and 1968. The counties in which the referendum vote was favorable and for which such transfers may be approved were designated in § 722.277, as amended (30 F.R. 15647, 31 F.R. 2776), and accordingly, no referenda in such counties are required to be held in 1966 under subsection (b) (ii) of section 344a of the act.

(c) *Referenda to be held during the period May 16-25, 1966.* Referenda under subsection (b) (ii) of section 344a of the act shall be held in all counties of the United States for which upland cotton allotments were established for the 1966 crop (§ 722.273, 30 F.R. 14412) except the counties designated in § 722.277, as amended (30 F.R. 15647, 31 F.R. 2776), to determine whether transfers by sale or lease out of such counties to other counties within the same State shall be permitted to take effect in 1967, 1968, and 1969. It is hereby determined that such referenda shall be held in such counties during the period May 16-25, 1966, by mail ballot in accordance with Part 717 of this chapter. If the vote in a county is favorable, transfers of allotment by sale or lease from such county to other counties in the same State to take effect in 1967, 1968, and 1969 may be permitted in accordance with section 344a of the act.

If the vote in a county is unfavorable, no transfers of allotment by sale or lease from such county to other counties may be made and a referendum under subsection (b) (ii) of section 344a of the act would be required in 1967 with respect to future transfers beginning with 1968.

(d) *Determination that holding referenda in conjunction with the national marketing quota referendum under section 343 of the act is impracticable.* Under subsection (b) of section 344a the period for filing applications for transfers of allotment is prescribed for each year as the period beginning June 1 and ending December 31. In order to permit owners and operators to utilize such period to the fullest extent, it is hereby found that it is impracticable to hold the referenda under subsection (b) (ii) of section 344a in conjunction with the national marketing quota referendum for upland cotton under section 343 of the act which will be held after any proclamation of national marketing quota for upland cotton of the 1967 crop is made.

(Secs. 344a, 375, 79 Stat. 1197, 52 Stat. 66, as amended; 7 U.S.C. 1344b, 1375)

Effective date. Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on April 27, 1966.

H. D. GODFREY,
Administrator, Agricultural Sta-
bilization and Conservation
Service.

[F.R. Doc. 66-4782; Filed, May 2, 1966;
8:45 a.m.]

State	1947 Harvested acreage of peanuts	1963-65 Average acreage valencia type peanuts	1966 Increase in State allotment	1966 Previous State allotment	1966 Revised State allotment
Georgia	<i>Acres</i> 1,124,000	<i>Acres</i> 30.6	<i>Acres</i> 11	<i>Acres</i> 528,551.4	<i>Acres</i> 528,562.4
National reserve	0	0	27	0	27.0

Effective date. Date of filing this document with the Director, Office of the Federal Register.

(Secs. 358, 375, 55 Stat. 89, as amended, 65 Stat. 29, 52 Stat. 66, as amended; 7 U.S.C. 1358, 1375)

Signed at Washington, D.C., on April 27, 1966.

H. D. GODFREY,
Administrator, Agricultural Sta-
bilization and Conservation
Service.

[F.R. Doc. 66-4783; Filed, May 2, 1966;
8:45 a.m.]

PART 729—PEANUTS

Subpart—Determination With Respect to Supply of Valencia Type Peanuts for 1966-1967 Marketing Year

AMENDED STATE ALLOTMENT FOR GEORGIA

Basis and purpose. This amendment is issued pursuant to and in accordance with the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.), to amend the apportionment of the increase in State acreage allotments to States producing Valencia type peanuts.

In F.R. Doc. 66-3175 published in the FEDERAL REGISTER of March 26, 1966 (31 F.R. 5002), the 1966 peanut acreage allotment for the State of Georgia was increased by 31 acres. It has been determined that this increase was based on incorrect data. Based on correct data, the increase should have been 11 acres.

The 1966 increase in the basic State allotment for the State of Georgia is being changed from 31 acres to 11 acres and the 20-acre difference is being added to the National Reserve for corrections.

Since peanut growers are now engaged in planting their 1966 crop of peanuts and need to know of the amendment herein, it is hereby found and determined that compliance with the notice, public procedure and effective date provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 1003) is impracticable and contrary to the public interest. Therefore, this amendment shall become effective upon its filing with the Director, Office of the Federal Register.

Section 729.1705(b) is amended, with respect to the State of Georgia and the National Reserve, as follows:

Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order 98]

PART 1098—MILK IN NASHVILLE, TENN., MARKETING AREA

Order Amending Order

§ 1098.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments

thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Nashville, Tenn., marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than May 1, 1966. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator was issued April 19, 1966. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective May 1, 1966, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001-1011).

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Nashville, Tenn., marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

Section 1098.51(b) is revised to read as follows:

§ 1098.51 Class prices.

(b) **Class II milk price.** The Class II milk price shall be the basic formula price for the month.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601, 674)

Effective date. May 1, 1966.

Signed at Washington, D.C., on April 28, 1966.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 66-4757; Filed, Apr. 29, 1966; 8:48 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 1434—HONEY

Subpart—Honey Price Support Regulations

Correction

In F.R. Doc. 66-4439, appearing at page 6257 of the issue for Saturday, April 23, 1966, "loan maturity data" in the first sentence of § 1434.108(b) should read "loan maturity date".

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Docket No. 7331; Amdt. 39-229]

PART 39—AIRWORTHINESS DIRECTIVES

Piper Model PA-30 Airplanes

There has been excessive vibration in the stabilator on a Piper Model PA-30

airplane. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to impose a maximum airspeed operating limitation until modification of the stabilator system on the subject airplanes.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

PIPER. Applies to Model PA-30 airplanes.

Compliance required within the next 10 hours' time in service after the effective date of this AD, unless already accomplished.

As a result of excessive vibration that could result in partial failure of the stabilator, accomplish the following:

(a) Attach the following operating limitation placard to the airspeed indicator in full view of the pilot:

"Do not exceed 218 mph (190 knots) IAS."

(b) After a modification of the stabilator system approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region, has been incorporated, the placard required by paragraph (a) may be removed.

This amendment becomes effective May 3, 1966.

(Sec. 313(a), 601, 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423))

Issued in Washington, D.C., on April 29, 1966.

C. W. WALKER,
Acting Director,
Flight Standards Service.

[F.R. Doc. 66-4845; Filed, May 2, 1966; 8:48 a.m.]

[Airspace Docket No. 65-CE-130]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Federal Airways

On December 21, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 15759) stating that the Federal Aviation Agency was considering raising the floors of Federal airway segments in the Kansas City, Mo., flight advisory area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. Due consideration was given to all comments received.

The Air Transport Association of America stated that implementation of the actions proposed in the notice would result in the loss of cardinal altitudes on several airway segments. They are opposed to such loss, especially on airway segments adjacent to terminal areas and on short haul airways.

The regulations that established the floors of control area and that precipitated the actions proposed in the notice was the subject of rule making procedures and adopted by the Federal Aviation Agency on January 16, 1961 (26 F.R. 570). This regulation was implemented to provide additional uncontrolled airspace for visual flight rule operations. Interested persons were cognizant of the fact that, in some instances, minimum en route altitudes would be raised and cardinal altitudes lost. The minimum en route altitudes for the airway segments proposed in the docket are now in effect and will not be altered further by adoption of the proposals contained in the notice. No other comments were received.

Subsequent to publication of the notice, it was determined that V-13 from Butler, Mo., and Neosho, Mo., and V-125 from Hutchinson, Kans., should have been considered for 1,200 feet AGL floors. Such action is taken herein. V-125 is within transition areas with 1,200 feet AGL floors. In the case of V-13 the relation of the minimum obstruction altitude to the minimum en route altitude is such that no additional uncontrolled airspace could be realized by establishing the floor at 500 feet MSL below the minimum en route altitude. Since these actions reduce a burden on the public, the Administrator has determined that notice and public procedure thereon are unnecessary.

V-69 from Farmington, Mo., to Walnut Ridge, Ark., and V-275 from Dayton, Ohio, to Findlay, Ohio, are not considered herein as they were processed in Airspace Dockets Nos. 65-SW-29 and 65-CE-131, respectively.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0001 e.s.t. July 21, 1966, as hereinafter set forth.

Section 71.123 (31 F.R. 2009, 2473) is amended as follows:

1. In V-4 all between "Thurman, Colo.;" and "INT of Evansville 080°" is deleted and "Goodland, Kans.; 12 AGL Hill City, Kans.; 12 AGL Russell, Kans.; 12 AGL Salina, Kans.; 12 AGL Topeka, Kans., including a 12 AGL S alternate via INT Salina 095° and Topeka 236° radials; 12 AGL Kansas City, Mo., including a 12 AGL N alternate and also, a 12 AGL S alternate via INT Topeka 099° and Kansas City 231° radials; 12 AGL Marshall, Mo.; 12 AGL Hallsville, Mo.; 12 AGL St. Louis, Mo., including a 12 AGL N alternate; 12 AGL Troy, Ill.; 12 AGL Centralia, Ill.; 12 AGL Evansville, Ind., including a 12 AGL S alternate;" is substituted therefor.

2. In V-9 all between "Memphis, Tenn.;" and "Pontiac, Ill.;" is deleted and "including an E alternate and also a W alternate; Malden, Mo.; 12 AGL Farmington, Mo.; 12 AGL St. Louis, Mo., including a 12 AGL W alternate; 12 AGL Capital, Ill., including a 12 AGL W alternate;" is substituted therefor.

3. In V-10 all before "Bradford, Ill.;" is deleted and "From Pueblo, Colo., via Lamar, Colo.; 12 AGL Garden City, Kans.; 12 AGL Dodge City, Kans.; 12 AGL Hutchinson, Kans., including a 12 AGL N alternate via INT Dodge City 060° and Hutchinson 296° radials excluding the airspace between the main and alternate airway; 12 AGL Emporia, Kans.; 12 AGL Kansas City, Mo., including a 12

AGL N alternate Emporia to Kansas City via Topeka, Kans.; 12 AGL Kirksville, Mo.; 12 AGL Burlington, Iowa;" is substituted therefor.

4. In V-12 all between "Wichita 190° radials;" and "Richmond, Ind.;" is deleted and "12 AGL Emporia, Kans., including a 12 AGL N alternate via INT Wichita 037° and Emporia 259° radials; 12 AGL INT Emporia 050° and Topeka, Kans., 099° radials; 12 AGL INT Topeka 099° and Blue Springs, Mo., 268° radials; 12 AGL Blue Springs; 12 AGL Blackwater, Mo.; 12 AGL Readsville, Mo.; 12 AGL Maryland Heights, Mo., including a 12 AGL S alternate; 12 AGL Troy, Ill.; 12 AGL Bible Grove, Ill.; 12 AGL Lewis, Ind.; 12 AGL Shelbyville, Ind.;" is substituted therefor.

5. In V-13 all between "Neosho, Mo.;" and "Des Moines, Iowa;" is deleted and "12 AGL Butler, Mo.; 12 AGL Kansas City, Mo., including a 12 AGL E alternate via INT Butler 013° and Kansas City 157° radials; 12 AGL Lamoni, Iowa;" is substituted therefor.

6. In V-15 "From Kansas City, Mo., via St. Joseph, Mo.;" is deleted and "From Kansas City, Mo., 12 AGL St. Joseph, Mo.;" is substituted therefor.

7. In V-17 all after "Gage 133° radials;" is deleted and "12 AGL Garden City, Kans., including a 12 AGL W alternate from Gage to Garden City via Liberal, Kans.; 12 AGL Goodland, Kans. The airspace above 9,000 feet MSL is excluded between McAllen and Laredo." is substituted therefor.

8. In V-44 all before "Nabb, Ind.;" is deleted and "From Maryland Heights, Mo.; 12 AGL Centralia, Ill.; 12 AGL Samsville, Ill.;" is substituted therefor.

9. V-50 is amended to read as follows:

V-50 From Pawnee City, Nebr., 12 AGL St. Joseph, Mo.; 12 AGL Kirksville, Mo.; 12 AGL Quincy, Ill.; 12 AGL Capital, Ill.; 12 AGL Decatur, Ill.; 12 AGL Terre Haute, Ind.; 12 AGL Indianapolis, Ind.; 12 AGL Dayton, Ohio, including a 12 AGL N alternate from Indianapolis to Dayton via Muncie, Ind.

10. V-52 is amended to read as follows:

V-52 From Des Moines, Iowa, via Ottumwa, Iowa; 12 AGL Quincy, Ill.; 12 AGL St. Louis, Mo., including a 12 AGL N alternate; 12 AGL Troy, Ill.; 12 AGL INT Troy 099° and Evansville, Ind., 309° radials; 12 AGL Evansville, Ind.

11. In V-63 all between "12 AGL Springfield, Mo.;" and "From the INT of Polo, Ill., 268°" is deleted and "12 AGL Hallsville, Mo.; 12 AGL Quincy, Ill.; Burlington, Iowa;" is substituted therefor.

12. V-65 is amended to read as follows:

V-65 From INT Kansas City, Mo., 231° and St. Joseph, Mo., 178° radials; 12 AGL St. Joseph; 12 AGL Lamoni, Iowa.

13. In V-69 all between "12 AGL Farmington, Mo.;" and "Pontiac, Ill.;" is deleted and "12 AGL INT Farmington 351° and Troy, Ill., 234° radials; 12 AGL Troy; 12 AGL Capital, Ill.;" is substituted therefor.

14. In V-71 all after "excluding the airspace between the main and this W alternate;" is deleted and "12 AGL Butler, Mo.; 12 AGL Kansas City, Mo.; 12 AGL INT Kansas City 310° and Pawnee

City, Nebr., 122° radials; 12 AGL Pawnee City; 12 AGL INT Pawnee City 334° and Raymond, Nebr., 146° radials; 12 AGL Raymond." is substituted therefor.

15. In V-72 all before "From Akron, Ohio;" is deleted and "From Fayetteville, Ark., 12 AGL Dogwood, Mo.; 12 AGL Maples, Mo.; 12 AGL Richwoods, Mo.; 12 AGL Troy, Ill.;" is substituted therefor.

16. V-73 is amended to read as follows:

V-73 From Wichita, Kans., 12 AGL Hutchinson, Kans.; 12 AGL INT Hutchinson 025° and Salina, Kans., 184° radials; 12 AGL Salina.

17. In V-74 all before "12 AGL Ponca City, Okla.;" is deleted and "From Garden City, Kans.; 12 AGL Dodge City, Kans.; 12 AGL Anthony, Kans.;" is substituted therefor.

18. In V-77 all after "12 AGL Wichita;" is deleted and "12 AGL INT Wichita 037° and Topeka, Kans., 236° radials; 12 AGL Topeka; 12 AGL St. Joseph, Mo.; 12 AGL Lamoni, Iowa; to Des Moines, Iowa. The airspace within R-5601 is excluded." is substituted therefor.

19. In V-108 all after "Hugo 250° radials;" is deleted and "Goodland, Kans.; 12 AGL Hill City, Kans.;" is substituted therefor.

20. In V-116 all before "Peoria, Ill.;" is deleted and "From Kansas City, Mo., 12 AGL Macon, Mo.; 12 AGL Quincy, Ill.;" is substituted therefor.

21. V-125 is amended to read as follows:

V-125 From Anthony, Kans., 12 AGL Hutchinson, Kans.

22. In V-131 all after "12 AGL Chanute, Kans.;" is deleted and "12 AGL Topeka, Kans.;" is substituted therefor.

23. V-132 is amended to read as follows:

V-132 From Cheyenne, Wyo., via Akron, Colo.; Goodland, Kans., 50 miles 12 AGL, 97 miles 92 MSL, 12 AGL Hutchinson, Kans.; 12 AGL INT Hutchinson 078° and Chanute, Kans., 294° radials; 12 AGL Chanute; 12 AGL INT Chanute 100° and Springfield, Mo., 276° radials; 12 AGL Springfield.

24. In V-161 all between "12 AGL Oswego, Kans.;" and "Des Moines, Iowa;" is deleted and "12 AGL Butler, Mo.; 12 AGL Blue Springs, Mo.; 12 AGL INT Blue Springs 016° and Lamoni, Iowa, 174° radials; 12 AGL Lamoni." is substituted therefor.

25. V-175 is amended to read as follows:

V-175 From Vichy, Mo., 12 AGL via INT Vichy 321° and Hallsville, Mo., 209° radials; 12 AGL Hallsville.

26. V-179 is amended to read as follows:

V-179 From Paducah, Ky., 12 AGL Marion, Ill.; 12 AGL Centralia, Ill.

27. In V-190 all after "12 AGL Springfield;" is deleted and "12 AGL Maples, Mo.; 12 AGL Farmington, Mo.; 12 AGL Marion, Ill.; 12 AGL Evansville, Ind.;" is substituted therefor.

28. In V-191 all before "12 AGL INT Farmington 351°" is deleted and "From

Memphis, Tenn., via Walnut Ridge, Ark.; 12 AGL Farmington, Mo.;" is substituted therefor.

29. In V-205 all between "12 AGL Springfield, Mo.;" and "INT of St. Joseph 343°" is deleted and "12 AGL Blue Springs, Mo.; 12 AGL Kansas City, Mo.; 12 AGL St. Joseph, Mo.;" is substituted therefor.

30. V-206 is amended to read as follows:

V-206 From Blue Springs, Mo., 12 AGL INT Blue Springs 056° and Kirksville, Mo., 225° radials; 12 AGL Kirksville.

31. In V-234 "to Hutchinson, Kans.;" is deleted and "32 miles 12 AGL, 74 miles 75 MSL, 12 AGL Hutchinson, Kans.;" is substituted therefor.

32. In V-244 all after "Lamar, Colo.;" is deleted and "20 miles 12 AGL, 57 miles 65 MSL, 61 miles 95 MSL, 24 miles 50 MSL, 12 AGL Russell, Kans. The airspace within R-2531 is excluded." is substituted therefor.

33. In V-280 all after "12 AGL Hutchinson, Kans.;" is deleted and "12 AGL INT Hutchinson 062° and Topeka, Kans., 236° radials; 12 AGL Topeka; 12 AGL INT Topeka 064° and Kansas City, Mo., 274° radials; 12 AGL Kansas City." is substituted therefor.

34. V-424 is amended to read as follows:

V-424 From Blue Springs, Mo., 12 AGL Marshall, Mo.; 12 AGL Macon, Mo.

35. V-446 is amended to read as follows:

V-446 From Troy, Ill., 12 AGL INT Troy 099° and Centralia, Ill., 056° radials; 12 AGL Samsville, Ill.

36. In V-516 all before "12 AGL Ponca City, Okla.;" is deleted and "From Liberal, Kans., 12 AGL Anthony, Kans.;" is substituted therefor.

37. In V-11 all between "12 AGL Fort Wayne, Ind.;" and "12 AGL Salem, Mich.;" is deleted and "including a 12 AGL E alternate via INT Indianapolis 060° and Shelbyville, Ind., 006° radials and INT of Shelbyville 006° and Fort Wayne 218° radials;" is substituted therefor.

38. In V-14 all between "Indianapolis 230° radials;" and "Attica, Ohio;" is deleted and "12 AGL Muncie, Ind.; 12 AGL Findlay, Ohio;" is substituted therefor.

39. In V-178 all before "Central City, Ky.;" is deleted and "From Farmington, Mo., 12 AGL Paducah, Ky., including a 12 AGL S alternate;" is substituted therefor.

40. In V-210 all between "Indianapolis 230° radials;" and "Tiverton, Ohio;" is deleted and "12 AGL Muncie, Ind.; 12 AGL Rosewood, Ohio;" is substituted therefor.

41. V-313 is amended to read as follows:

V-313 From Malden, Mo., 12 AGL Cape Girardeau, Mo.; 12 AGL Centralia, Ill., including a 12 AGL E alternate from Cape Girardeau to Centralia via Marion, Ill.; 12 AGL Decatur, Ill.; 12 AGL Pontiac, Ill.

42. V-335 is amended to read as follows:

V-335 From Maryland Heights, Mo., 12 AGL Marion, Ill.
(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348))

Issued in Washington, D.C., on April 26, 1966.

T. McCORMACK,
*Acting Chief, Airspace and
Air Traffic Rules Division.*

[F.R. Doc. 66-4763; Filed, May 2, 1966;
8:45 a.m.]

[Airspace Docket No. 65-EA-97]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration and Revocation of Transition Areas

On pages 1204 and 1205 of the FEDERAL REGISTER for January 29, 1966, the Federal Aviation Agency published proposed regulations which would revoke the Westerly State Airport, Westerly, R.I., transition area and alter the Trumbull Airport, Groton, Conn., transition area.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0001 e.s.t. June 23, 1966.

(Sec. 307(a), Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348))

Issued in Jamaica, N.Y., on April 14, 1966.

WAYNE HENDERSHOT,
Deputy Director, Eastern Region.

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to revoke the Westerly, R.I., transition area.

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Groton, Conn., transition area and substitute in lieu thereof the following:

That airspace extending upwards from 700 feet above the surface within the area bounded by a line beginning at 41°10'30" N., 72°00'00" W. to 41°12'00" N., 72°10'00" W. to 41°18'00" N., 72°14'00" W. to 41°27'00" N., 72°09'00" W. to 41°25'00" N., 71°42'00" W. to 41°18'00" N., 71°42'00" W. to 41°16'00" N., 71°49'00" W. to 41°13'00" N., 71°48'00" W. to point of beginning.

[F.R. Doc. 66-4764; Filed, May 2, 1966;
8:45 a.m.]

[Airspace Docket No. 66-EA-17]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

The Federal Aviation Agency is considering amending § 71.171 of Part 71 of the Federal Aviation Regulations so as to alter the Westover, Mass., control zone (31 F.R. 2146).

This alteration results from the phasing out of KC-97 type aircraft from the Westover AFB, Chicopee Falls, Mass.

This action will permit a minor reduction in the southwest control zone extension.

Since this amendment is minor in nature and is basically less restrictive, notice and public procedure hereon are unnecessary.

In view of the foregoing, the proposed regulations are hereby adopted effective 0001 e.s.t. June 23, 1966 as follows:

Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete in the description of the Westover, Mass. control zone the phrase, "within 2 miles each side of the centerline of Runway 23 extended 7 miles SW from the end of the runway" and insert in lieu thereof, "within 2 miles each side of the Westover AFB TACAN 221° radial extending from the 5 mile radius zone to 6 miles SW of the TACAN."

(Sec. 307(a), Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348))

Issued in Jamaica, N.Y., on April 14, 1966.

WAYNE HENDERSHOT,
Deputy Director, Eastern Region.

[F.R. Doc. 66-4765; Filed, May 2, 1966;
8:45 a.m.]

[Airspace Docket No. 66-EA-4]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

Correction

In F.R. Doc. 66-4554 appearing at page 6355 in the issue for Wednesday, April 27, 1966, the third paragraph is corrected by deleting the bracketed material and inserting an effective date as follows.

"In view of the foregoing, the proposed regulations are hereby adopted effective 0001 e.s.t., June 23, 1966."

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-461]

PART 223—TARIFFS OF AIR CARRIERS: FREE AND REDUCED-RATE TRANSPORTATION

Eligibility and Authority

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 27th day of April 1966.

The Board has published in 30 F.R. 11178 and circulated to the industry in EDR-90, dated August 25, 1965, Docket 16448, a notice of proposed rule making which would clarify the meaning of § 223.2(b) (3) with respect to the furnishing of free or reduced-rate overseas or foreign air transportation pursuant to requirements of law, and would clarify § 223.8 with respect to applications for free or reduced-rate overseas or foreign air transportation falling within the exemption of Part 223 but not included in the carrier's manual on file with the Board. Four foreign air carriers responded to the notice. Lufthansa Ger-

man Airlines and Japan Air Lines, Ltd., stated they were not opposed to the proposal. JAL suggested that the term "or government directive," used in the amendatory proviso, also be added to the authorizing language of § 223.2(b) (3) to prevent any misinterpretation. This suggestion has been adopted. Air France advised that, since the proposal was an intergovernmental matter, the carrier was not in a position to comment. Swissair was of the opinion that the proposal could have serious diplomatic consequences and recommended that the proposal not be adopted.

Swissair states that it is basically in favor of any step that would prevent the undermining of the IATA rate structure by improper grants of free or reduced-rate foreign air transportation, and agrees that the filing of tariffs for such transportation to be furnished over a long period of time and to a reasonably large class of persons might be a solution of the problem. Swissair is concerned, however, that the rejection of a tariff or application for approval of free or reduced-rate transportation by a carrier pursuant to its own government's directive could lead to embroilments with foreign governments. Swissair, therefore, suggests that the solution to the problem be sought through IATA, whose actions are subject to governmental approval, or through consultation with the government concerned.

Swissair has misunderstood the Board's intention. The amendment involves nothing more than a clarification of the Board's rule, issued under section 403(b) of the Act, authorizing carriers to afford free or reduced-rate overseas or foreign air transportation to a limited class of persons (not listed in the statute) as required by their governments without filing tariffs therefor. As stated in the notice, § 223.2(b) (3) was never intended to authorize the furnishing of free or reduced-rate overseas or foreign air transportation to the general public or to a substantial segment thereof under a government directive without the filing of a tariff. If such a widespread reduction in tariff rates is contemplated by a government, the carrier involved should file a tariff.

With respect to the filing of applications under § 223.8, the amendment offers a relief to those carriers who have not filed rules and regulations covering all the classes of persons authorized in § 223.2 because passes for some of such classes are issued only occasionally.

We have also made an editorial change in § 223.8 to make it clear that a carrier may file an application under that section to furnish free or reduced-rate overseas or foreign air transportation to any person or persons to whom the carrier would not otherwise be authorized to furnish such transportation under section 403(b) or Part 223.

Accordingly, the Board hereby amends Part 223 of the Economic Regulations (14 CFR Part 223), effective June 2, 1966, as follows:

1. Amend § 223.2(b) by revising subparagraph (3) to read as follows:

§ 223.2 Persons to whom free and reduced-rate transportation may be furnished.

(b) Any carrier engaged in overseas or foreign air transportation may provide free or reduced-rate overseas or foreign air transportation to:

(3) Other persons to whom such carrier is required to furnish free or reduced-rate transportation by law or government directive or by a contract or agreement, now or hereafter in effect, between such carrier and the government of any country served by such carrier, but only to the extent so required and only if such contract or agreement is filed with the Board and if the provisions thereof relating to such transportation are not disapproved by the Board as being contrary to the public interest: *Provided, however,* That the foregoing provision shall not be applicable to free or reduced-rate overseas or foreign air transportation pursuant to a law or government directive that requires the furnishing of such transportation to the general public or any segment thereof, and that the Board may without prior notice direct the carrier to file a tariff covering such transportation if the Board finds that the law or government directive in question requires the provision of such transportation.

2. Amend § 223.8 to read as follows:

§ 223.8 Application for authority to carry other persons.

Any carrier desiring special authorization under section 403(b) of the Act to furnish free or reduced-rate overseas or foreign air transportation to a person or persons to whom the carrier would not otherwise be authorized to furnish such transportation under section 403(b) or this part, or who are not listed in the carrier's rules filed with the Board pursuant to § 223.6, may apply to the Board, by letter or other writing, for such authorization. The application shall state the identity of the person or persons to whom, and the points between which, such transportation is to be furnished, the time or approximate time of departure, and the carrier's reasons for desiring to furnish such transportation. The application shall contain a definite statement that the carrier is willing and intends to furnish such transportation if authority to do so is granted by the Board. No transportation for which approval is requested therein shall be furnished by the carrier unless and until such approval is received by the carrier.

(Secs. 204, 403, 404, 1002, Federal Aviation Act of 1958, as amended, 72 Stat. 743, 758, 760, 788; 49 U.S.C. 1324, 1373, 1374, 1482)

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 66-4795; Filed May 2, 1966; 8:46 a.m.]

SUBCHAPTER C—SAFETY INVESTIGATION REGULATIONS

[Reg. SIR-7]

PART 320—RULES PERTAINING TO AIRCRAFT ACCIDENTS, INCIDENTS, OVERDUE AIRCRAFT, AND SAFETY INVESTIGATIONS

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 27th day of April 1966.

In November 1965, the Council of the International Civil Aviation Organization (ICAO) adopted certain major revisions of Annex 13 to the International Civil Aviation Convention (Chicago Convention) dealing with the standards and recommended practices in connection with aircraft accident investigations. These revisions have become effective March 24, 1966. Under the terms of the Chicago Convention, member states must notify ICAO of any differences that may exist between their national regulations and the provisions of Annex 13 after that date.

While Part 320 of the Board's Safety Investigation Regulations has required the notification and reporting of aircraft accidents, it does not employ the definition of the term "accident" as that term is employed in Chapter 1 of Annex 13 to the International Civil Aviation Convention. By prescribing certain occurrences associated with the operation of aircraft for which notification and reports were required, Part 320 in effect obtained notification and reports of accidents without defining that term in the rule. However, the Board believes it desirable that its regulations conform with the provisions of Annex 13 to the extent feasible, and therefore is incorporating the definition of the term "accident" contained in the Annex in its regulations. This will impose no additional reporting or notification requirements on any person.

In addition, the Board believes it necessary and desirable that it continue to be notified of certain ground occurrences, outside the scope of the definition of the term "accident", which involved serious injury to persons, or substantial damage to property. This has been accomplished by substituting for the phrase "in flight hazards", the more commonly understood term "incident", and requiring that the Board be notified of certain incidents.

The part is being further revised by eliminating certain occurrences which presently require notification because the reporting of such incidents is no longer considered necessary. Thus the incidents of unwanted or asymmetrical thrust reversal or rapid decompression do not presently warrant notification and hence are being eliminated.

The revisions here being made will reduce the notification and reporting requirements of the part. Because the Board recently amended Part 320, by Regulation SIR-6, effective August 30, 1965, and because the amendments herein made involve revision of other sections of the part, the Board finds it

desirable that the amended part should be reissued.

Since the reissued part involves only a rule of agency practice and procedure, and will not impose any additional burden on any person, public procedures and notice hereon are unnecessary, and the rule may be made effective in less than 30 days after adoption; and is here being made effective 3 weeks after adoption.

Accordingly, the Civil Aeronautics Board hereby amends and reissues Part 320 of its Safety Investigation Regulations (14 CFR Part 320) effective May 18, 1966, to read as follows:

Subpart A—General

- Sec.
320.1 Applicability.
320.2 Definitions.

Subpart B—Initial Notification of Aircraft Accidents, Incidents, and Overdue Aircraft

- 320.5 Immediate notification.
320.6 Information to be given in notification.

Subpart C—Preservation, Access to and Release of Aircraft Wreckage, Mail, Cargo, and Records

- 320.10 Preservation of aircraft wreckage, mail, cargo, and records.
320.11 Access to and release of aircraft wreckage, records, mail, and cargo.

Subpart D—Reporting of Aircraft Accidents, Incidents, and Overdue Aircraft

- 320.15 Reports and statements to be filed.

Subpart E—Investigations and Special Studies

- 320.20 Authority of Board representatives.
320.25 Authority of the Director, Deputy Director, and hearing officers pertaining to aircraft accidents and air safety investigations.

AUTHORITY: The provisions of this Part 320 issued under secs. 204(a), 701, as amended, 72 Stat. 743, 781; 49 U.S.C. 1324, 1441. Interpret or apply secs. 202, 407(e), 415, 702, 703, 1004, 72 Stat. 741, 766, 770, 782, 792; 49 U.S.C. 1322, 1377, 1385, 1442, 1443, 1484, and sec. 2, Reorganization Plan No. 13, 64 Stat. 1266; 5 U.S.C. 1332-15.

Subpart A—General

§ 320.1 Applicability.

This part contains rules pertaining to:

(a) Giving notice of and reporting, aircraft accidents and incidents and certain other occurrences in the operation of aircraft when they involve civil aircraft of the United States wherever they occur, or foreign civil aircraft when such events occur in the United States, its territories or possessions.

(b) Preservation, access to, and release of aircraft wreckage, mail, cargo, and records involving all civil aircraft in the United States, its territories or possessions.

(c) Investigation of aircraft accidents, certain incidents, and overdue aircraft and special studies and investigations conducted by the Board pertaining to safety in air navigation and the prevention of accidents.

§ 320.2 Definitions.

As used in this part the following words or phrases are defined as follows:

"Aircraft accident" means an occurrence associated with the operation of an aircraft which takes place between the time any person boards the aircraft with the intention of flight until such time as all such persons have disembarked, in which any person suffers death or serious injury as a result of being in or upon the aircraft or by direct contact with the aircraft or anything attached thereto, or the aircraft receives substantial damage.

"Fatal injury" means any injury which results in death within 7 days.

"Operator" means any person who causes or authorizes the operation of an aircraft, such as the owner, lessee, or bailee of an aircraft.

"Serious injury" means any injury which (1) requires hospitalization for more than 48 hours, commencing within 7 days from the date the injury was received; (2) results in a fracture of any bone (except simple fractures of fingers, toes, or nose); (3) involves lacerations which cause severe hemorrhages, nerve, muscle, or tendon damage; (4) involves injury to any internal organ; or (5) involves second or third degree burns, or any burns affecting more than 5 percent of the body surface.

"Substantial damage":

(1) Except as provided in subparagraph (2) of this paragraph:

(i) Substantial damage in aircraft of 12,500 pounds maximum certificated takeoff weight or less means damage or structural failure reasonably estimated to cost \$300 or more to repair.

(ii) Substantial damage in aircraft of more than 12,500 pounds maximum certificated takeoff weight means damage or structural failure which adversely affects the structural strength, performance, or flight characteristics of the aircraft, and which would normally require major repair or replacement of the affected component.

(2) Engine failure, damage limited to an engine, bent fairings or cowling, dented skin, small punctured holes in the skin or fabric, taxiing damage to propeller blades, damage to tires, engine accessories, brakes, or wing tips are not considered "substantial damage" for the purpose of this part.

Subpart B—Initial Notification of Aircraft Accidents, Incidents, and Overdue Aircraft

§ 320.5 Immediate notification.

The operator of an aircraft shall immediately, and by the most expeditious means available, notify the nearest Civil Aeronautics Board, Bureau of Safety¹ Field Office when:

(a) An aircraft accident or any of the following listed incidents occur:

(1) Flight control system malfunction or failure;

(2) Inability of any required flight crew member to perform his normal

flight duties as a result of injury or illness;

(3) During ground operations of an aircraft with engine(s) functioning without the intention of flight any person suffers death or serious injury as a result of being in or upon the aircraft or by direct contact with the aircraft or anything attached thereto, or the aircraft receives substantial damage;

(4) Turbine engine rotor failures excluding compressor blades and turbine buckets.

(5) In-flight fire;

(6) Aircraft collide in flight;

(b) An aircraft is overdue and is believed to have been involved in an accident.

§ 320.6 Information to be given in notification.

The notification required in § 320.5 shall contain the following information, if available:

(a) Type, nationality, and registration marks of the aircraft;

(b) Name of owner, and operator of the aircraft;

(c) Name of the pilot-in-command;

(d) Date and time of the accident;

(e) Last point of departure and point of intended landing of the aircraft;

(f) Position of the aircraft with reference to some easily defined geographical point;

(g) Number of persons aboard, number killed, and number seriously injured;

(h) Nature of the accident including weather and the extent of damage to the aircraft so far as is known;

(i) A description of any explosives, radioactive materials, or other dangerous articles carried.

Subpart C—Preservation, Access to and Release of Aircraft Wreckage, Mail, Cargo, and Records

§ 320.10 Preservation of aircraft wreckage, mail, cargo, and records.

(a) The operator of an aircraft is responsible for preserving to the extent possible any aircraft wreckage, cargo, and mail aboard the aircraft, and all records, including those of flight recorders, pertaining to the operation and maintenance of the aircraft and to airmen involved in an accident or incident for which notification must be given until the Board takes custody thereof or a release is granted pursuant to § 320.11.

(b) Prior to the time the Board or its authorized representative takes custody of aircraft wreckage, mail, or cargo, such wreckage, mail and cargo may be disturbed or moved only to the extent necessary:

(1) To remove persons injured or trapped;

(2) To protect the wreckage from further damage, or

(3) To protect the public from injury.

(c) Where it is necessary to disturb or move aircraft wreckage, mail or cargo, sketches, descriptive notes, and photographs shall be made, if possible, of the accident locale including original posi-

tion and condition of the wreckage and any significant impact marks.

§ 320.11 Access to and release of aircraft wreckage, records, mail and cargo.

(a) *Access to aircraft wreckage, records, mail and cargo.* Only the Board's accident investigation personnel and the persons authorized by the Investigator-in-Charge or the Director, Bureau of Safety, to participate in any particular investigation, examination or testing shall be permitted access to aircraft wreckage, records, mail or cargo which is in the Board's custody.

(b) *Release of aircraft wreckage, records, mail and cargo.* Aircraft wreckage, records, mail and cargo in the Board's custody shall be released by an authorized representative of the Board² when it is determined that the Board has no further need of such wreckage, mail, cargo or records.

Subpart D—Reporting of Aircraft Accidents, Incidents, and Overdue Aircraft

§ 320.15 Reports and statements to be filed.

(a) *Reports.* The operator of an aircraft shall file a report as provided in paragraph (c) of this section on CAB Form 453 or 454, which forms are attached hereto and incorporated herein as part of this section.³

(1) Within ten (10) days after an accident for which notification is required by § 320.5(a) or when after seven (7) days, an overdue aircraft is still missing.

(2) A report on an incident for which notification is required by § 320.5(a) shall be filed only as requested by an authorized representative of the Civil Aeronautics Board.

(b) *Crew member statement.* Each crew member, if physically able at the time the report is submitted, shall attach thereto a statement setting forth the facts, conditions, and circumstances relating to the accident or incident as they appear to him to the best of his knowledge and belief. If the crew member is incapacitated, he shall submit the statement as soon as he is physically able.

(c) *Where to file the reports.* (1) The operator of an aircraft shall file with the Field Office of the Civil Aeronautics Board nearest the accident or incident any report required by this section involving:

(i) Aircraft having a maximum takeoff weight of more than 12,500 pounds, or rotorcraft regardless of weight.

² An authorized representative of the FAA has authority to release aircraft wreckage, property, or records in those accidents which the Board, pursuant to PN-16 (see footnote 4, infra), has requested the FAA to investigate.

³ Forms are obtainable from the Civil Aeronautics Board Field offices (see footnote 1), the Civil Aeronautics Board, Washington, D.C., 20428, and the Federal Aviation Agency Flight Standards District Office. Forms filed as part of original document.

¹ CAB field offices are listed under U.S. Government in the telephone directories in the following cities: Anchorage, Alaska; Chicago, Ill.; Denver, Colo.; Fort Worth, Tex.; Kansas City, Mo.; Los Angeles, Calif.; Miami, Fla.; New York, N.Y.; Oakland, Calif.; Seattle, Wash.

(ii) Aircraft having a maximum takeoff weight of 12,500 pounds or less operated by an air carrier certificated to engage in air transportation in the State of Alaska, or operated in accordance with Part 135 of this title (Federal Aviation Regulations; Air Taxi Operators and Commercial Operators of Small Aircraft); and

(iii) Aircraft, regardless of maximum takeoff weight, where fatal injuries have occurred to any occupant of such aircraft.

(2) The operator of an aircraft shall file with the FAA Flight Standards District Office nearest the accident or incident any report required by this section involving fixed-wing aircraft with a maximum takeoff weight of 12,500 pounds or less except reports which are required to be filed with the Board pursuant to subparagraph (1) of this paragraph.

Subpart E—Investigations and Special Studies

§ 320.20 Authority of Board representatives.

Upon demand of an authorized representative of the Board and presentation of credentials issued to such representative, any air carrier, airman, or person engaged in air commerce or in any phase of aeronautics, and any other person having possession or control of any aircraft, aircraft engine, propeller, appliance, air navigation facility, equipment, or any pertinent records and memoranda, including all documents, papers, and correspondence now or hereafter existing and kept or required to be kept, shall forthwith permit inspection, photographing, or copying thereof by such authorized representative for the purpose of investigating an aircraft accident,⁴ incident or overdue aircraft, or any special study or investigation pertaining to safety in air navigation or the prevention of accidents. Authorized representatives of the Board may interrogate any person having knowledge relevant to an aircraft accident, incident, overdue aircraft, study, or investigation.

§ 320.25 Authority of the Director, Deputy Director, and hearing officers pertaining to aircraft accidents and air safety investigations.

(a) The Director or Deputy Director of the Bureau of Safety of the Board

⁴ The Board in PN-16, 30 F.R. 10122, 10168, effective Aug. 30, 1965, requested the Administrator of the FAA to investigate aircraft accidents involving fixed-wing aircraft with a maximum takeoff weight of 12,500 pounds or less except accidents in which fatal injuries have occurred to an occupant of such aircraft, accidents involving aircraft being operated in accordance with Part 135 of the Federal Aviation Regulations (14 CFR Part 135, Air Taxi Operators and Commercial Operators of Small Aircraft), and accidents involving aircraft operated by an air carrier authorized by a certificate of public convenience and necessity to engage in air transportation in the State of Alaska, and to submit a report to the Board concerning each such investigation.

shall have authority in connection with aircraft accidents or incidents to:

(1) Order an investigation into the facts, conditions, circumstances, and probable cause of all occurrences involving civil aircraft, which he or the Board determines to constitute accidents or incidents. In such investigations he may order the taking of depositions, and may order a public hearing in accordance with the provisions of Part 303 of the Board's Procedural Regulations (Part 303 of this chapter) where it is deemed necessary in the public interest.

(2) Designate one or more hearing officials with authority to sign and issue subpoenas, to administer oaths and affirmations, and to take depositions or cause them to be taken in connection with such investigations.

(b) The Director or Deputy Director may also order a special study or investigation on matters pertaining to safety in air navigation, and if necessary, designate a hearing official in this connection.

NOTE: The reporting and recordkeeping requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 66-4794; Filed, May 2, 1966;
8:46 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter I—Bureau of the Census, Department of Commerce

PART 30—FOREIGN TRADE STATISTICS

Shipments Under \$100

Pursuant to section 302, Title, 13, U.S.C., the following amendment is made to the regulations published in the FEDERAL REGISTER on March 16, 1963 (28 F.R. 2556), as amended. In accordance with section 4 of the Administrative Procedure Act, 5 U.S.C. 1003 (60 Stat. 238), it has been found that notice and hearing on this amendment and postponement of the effective date thereof are unnecessary because of the permissive nature of the amendment.

Recent action was taken to eliminate the requirement for the filing of Shipper's Export Declarations for shipments (except shipments requiring a validated export license) valued under \$100 to Canada, to the U.S. possessions and between the United States and Puerto Rico. The present amendment will extend this exemption to cover shipments valued under \$100 to all countries (except Cuba) in North and South America, except shipments requiring a validated export license or moving under General License

GLV. This amendment will also eliminate the requirement that bills of lading, air waybills, or other loading documents covering shipments which are exempt from Shipper's Export Declaration filing requirements on the basis of value and destination bear a notation referring to the particular section of these regulations covering the exemption.

Effective date. This amendment is effective on the date of publication.

Section 30.50 is amended to read as follows:

§ 30.50 Procedure for shipments exempt from the requirement for Shipper's Export Declarations.

Except as provided below, where an exemption from the requirement for the filing of a Shipper's Export Declaration is provided in this subpart, a notation describing the basis for the exemption shall be made on the bill of lading, air waybill, or other loading document for carrier use, with a reference to the number of the section in this part where the particular exemption is provided so that the carrier at the time of lading, and the Collector at the time of exportation may verify that no declaration is required. If none of the above named documents are used, the person transporting the merchandise must be prepared to identify to the Collector of Customs at the port of exportation, at the time of exportation but prior to departure, any merchandise which is exempt from the requirement for the filing of a Shipper's Export Declaration and explain to the Collector the basis for the exemption. Where shipments are exempt from the requirement for Shipper's Export Declarations on the basis of value and destination, the appearance of the value and destination on the bill of lading, air waybill, or other loading document for carrier use, shall be acceptable as evidence of the exemption, and no reference need be made to the particular section of the regulations in this part where the exemption is provided.

Section 30.55(h) is amended to read as follows:

§ 30.55 Miscellaneous exemptions.

(h) Shipments (except shipments requiring a validated export license or moving under Office of Export Control General License GLV) to all countries (except Cuba) in North and South America (as listed in Schedule C), to the U.S. possessions, and between the United States and Puerto Rico, where the value of the commodities classified under a single Schedule B number and shipped on the same exporting carrier from one exporter to one importer does not exceed \$100: *Provided*, That in order to adequately maintain factors for estimating the statistics on under \$100 shipments, the Bureau of the Census may from time to time require the complete enumeration of such shipments for selected periods.

§§ 30.56, 30.57 [Amended]

Paragraph (e) of § 30.56 and paragraph (c) of § 30.57 are hereby deleted.

Dated: March 11, 1966.

A. ROSS ECKLER,
Director, Bureau of the Census.

I concur:

Dated: March 31, 1966.

TRUE DAVIS,
Assistant Secretary of the Treasury.

[F.R. Doc. 66-4761; Filed, May 2, 1966;
8:45 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release Nos. 33-4828, 34-7873, 35-15455,
TI-231, IC-4578, IA-200]

PART 200—ORGANIZATION; CON- DUCT AND ETHICS; AND INFOR- MATION AND REQUESTS

Miscellaneous Amendments

The Securities and Exchange Commission has amended §§ 200.30-1, 200.30-2, 200.30-3, and 200.30-6, Subpart A, statement of Organization and Program Management.

Under the amendments to § 200.30-1, the Director of the Division of Corporation Finance has been delegated, under the Securities Act of 1933, the Securities Exchange Act of 1934 and the rules and regulations under these acts, authority to accelerate certain registration statements, reduce the prospectus delivery period, grant applications for confidential treatment of contract provisions, and issue notices of applications for exemptions.

The Director of the Division of Corporate Regulation, under the amendments to § 200.30-2, has been delegated, under the Investment Company Act of 1940, the Public Utility Holding Company Act of 1935 and the rules and regulations under these acts, authority to issue notices of certain applications, grant applications for revocation of previously granted exemptions under certain circumstances, permit the filing of preliminary registration statements, authorize the destruction of certain records, authorize the discontinuance of reporting information otherwise required, and grant extensions of time for filing registration statements and reports.

The Director of the Division of Trading and Markets, under the amendments to § 200.30-3, has been delegated, under the Securities Exchange Act of 1934 and the rules and regulations thereunder, authority to grant requests for exemptions from Rule 10b-6 (§ 240.10b-6 of this chapter) and grant exemptions for brokers or dealers from Rule 15c3-1 (§ 240.15c3-1 of this chapter).

The Director of the Office of Opinions and Review has been delegated, under

the amendments to § 200.30-6, authority to grant petitions for full review of initial decisions by a hearing officer and grant requests, upon a showing of good cause to vacate orders entered upon default.

The text of the Commission's action is as follows:

I. Section 200.30-1 has been amended.
II. Section 200.30-2 has been amended.
III. Section 200.30-3 has been amended.

IV. Section 200.30-6 has been amended.

The foregoing sections, as amended, are as follows:

§ 200.30-1 Delegation of authority to Director of Division of Corporation Finance.

Pursuant to the provisions of Public Law No. 87-592, 76 Stat. 394, the Securities and Exchange Commission hereby delegates, until the Commission orders otherwise, the following functions to the Director of the Division of Corporation Finance, to be performed by him or under his direction by such person or persons as may be designated from time to time by the Chairman of the Commission:

(a) With respect to registration of securities pursuant to the Securities Act of 1933, 15 U.S.C. 77a, et seq., and Regulation C thereunder, § 230.400, et seq. of this chapter:

(3) To grant applications for confidential treatment of contract provisions pursuant to Rule 485 under the Act, § 230.485 of this chapter:

(5) Pursuant to section 8(a) of the Act, 15 U.S.C. 77h(a), regarding the following types of registration statements:

(i) Statements filed on Form S-12, § 239.19 of this chapter,

(ii) Statements filed on Form S-13, § 239.25 of this chapter,

(iii) Statements filed on Form S-14, § 239.23 of this chapter,

(iv) Statements filed in situations involving competitive bidding subject to Rule 415, § 230.415 of this chapter,

(v) Statements filed on any form where the issuer is subject to and is filing reports in compliance with the reporting requirements of section 13 or section 15 (d) of the Securities Exchange Act of 1934, 15 U.S.C. 78m and 78o(d).

(a) To determine such registration statements to be effective within shorter periods of time than 20 days after filing thereof;

(b) To consent to the filing of amendments prior to the effective dates of such registration statements as parts thereof, or to determine that amendments filed prior to the effective dates of such registration statements have been filed pursuant to orders of the Commission, so as to be treated as parts of the registration statements for the purpose of section 8(a) of the Act;

(c) To determine to be effective applications for qualification of trust indentures filed therewith.

(7) To reduce the 90-day period with respect to transactions referred to in section 4(3) (B) of the Act.

(e) With respect to the Securities Exchange Act of 1934, 15 U.S.C. 78a, et seq.:

(3) (i) To grant applications for confidential treatment of contract provisions under section 24(b) of the Act and Rule 24b-2 thereunder, § 240.24b-2 of this chapter;

(ii) To accord confidential treatment to material other than contract provisions filed pursuant to section 24b-2 thereunder, § 240.24b-2 of this chapter, but only when the Commission has previously by order granted confidential treatment to the same information;

(6) To accelerate at the request of the issuer the effective date of registration statements filed pursuant to section 12(g) of the Act;

(7) To issue notices of applications for exemptions under section 12(h) of the Act.

§ 200.30-2 Delegation of authority to Director of Division of Corporate Regulation.

Pursuant to the provisions of Public Law No. 87-592, 76 Stat. 394, the Securities and Exchange Commission hereby delegates, until the Commission orders otherwise, the following functions to the Director of the Division of Corporate Regulation, to be performed by him or under his direction by such person or persons as may be designated from time to time by the Chairman of the Commission:

(a) With respect to the Public Utility Holding Company Act of 1935, 15 U.S.C. 79a, et seq.:

(5) To issue notices and grant applications by a holding company or any subsidiary company thereof, under section 3(c) of the Act, for revocation of previously granted exemptions from registration, unless, upon examination, the application appears to him to present issues not previously settled by the Commission or to raise questions of fact or policy indicating that the public interest or the interest of investors or consumers requires that a hearing be held;

(6) To permit the filing of preliminary registration statements pursuant to section 5(c) of the Act;

(7) To authorize the destruction of records pursuant to the provisions of General Instruction 3(c) of the Uniform System of Accounts for public utility holding companies, § 257.0-3(c) of this chapter.

(8) To authorize the discontinuance of reporting of information otherwise required to be reported under sections 5(b), 13(c), 13(e), 13(f), 14, and 20(a) of the Act;

(9) To grant extensions of time for filing registration statements and reports pursuant to sections 5(b), 13(c), 13(e), 13(f), 14, and 20(a) of the Act.

(b) With respect to the Investment Company Act of 1940, 15 U.S.C. 80a-1, et seq.:

(1) To issue notices, pursuant to Rule 0-5(a), § 270.0-5(a) of this chapter, with respect to applications for orders under the following sections of the Act and the rules and regulations promulgated thereunder where, upon examination, the application does not appear on him he present issues not previously settled by the Commission or to raise questions of fact or policy indicating that the public interest or the interest of investors requires that a hearing be held:

§ 200.30-3 Delegation of authority to Director of Division of Trading and Markets.

Pursuant to the provisions of Public Law No. 87-592, 76 Stat. 394, the Securities and Exchange Commission hereby delegates, until the Commission orders otherwise, the following functions to the Director of the Division of Trading and Markets to be performed by him or under his direction by such person or persons as may be designated from time to time by the Chairman of the Commission:

(b) With respect to the Securities Exchange Act of 1934, 15 U.S.C. 78a, et seq.:

(7) Pursuant to Rule 10b-6(f), § 240.10b-6(f) of this chapter, to grant requests for exemptions from Rule 10b-6, § 240.10b-6 of this chapter:

(8) Pursuant to Rule 15c3-1(b)(3), § 240.15c3-1(b)(3) of this chapter, to grant exemptions to brokers or dealers from Rule 15c3-1, § 240.15c3-1 of this chapter.

§ 200.30-6 Delegation of authority to Director of Office of Opinions and Review.

Pursuant to the provisions of Public Law No. 87-592, 76 Stat. 394, the Securities and Exchange Commission hereby delegates, until the Commission orders otherwise, the following functions to the Director of the Office of Opinions and Review, to be performed by him or under his direction by such person or persons as may be designated from time to time by the Chairman of the Commission:

(a) (1) With respect to proceedings conducted pursuant to the Securities Act of 1933, 15 U.S.C. 77a, et seq., the Securities Exchange Act of 1934, 15 U.S.C. 78a, et seq., the public Utility Holding Company Act of 1935, 15 U.S.C. 79a, et seq., the Trust Indenture Act of 1939, 15 U.S.C. 77aaa, et seq., the Investment Company Act of 1940, 15 U.S.C. 80a-1, et seq., and the Investment Advisers Act of 1940, 15 U.S.C. 80b-1, et seq.:

(v) To grant petitions for full review of initial decisions by a hearing officer.

(2) With respect to proceedings conducted pursuant to the Securities Act of 1933, 15 U.S.C. 77a, et seq., the Securities Exchange Act of 1934, 15 U.S.C. 78a, et seq., and the Investment Advisers Act of 1940, 15 U.S.C. 80b-1, et seq., to issue

findings and orders taking the remedial action described in the order for proceedings where the respondents expressly consent to such action, fail to appear, or default in the filing of answers required to be filed; to grant a request, based upon a showing of good cause, to vacate an order of default, so as to permit presentation of a defense.

The Commission finds that the foregoing amendments involve matters of agency organization or procedure and that notice and subsequent procedure pursuant to subsections 4 (a) and (b) of the Administrative Procedure Act are not required. The Commission also finds that the provisions of subsection 4(c) of the Administrative Procedure Act regarding postponement of the effective date are inapplicable inasmuch as the foregoing amendments are not of a substantive nature.

Accordingly, the foregoing action, which was taken pursuant to Public Law No. 87-592, 76 Stat. 394, becomes effective April 27, 1966.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

APRIL 27, 1966.

[F.R. Doc. 66-4776; Filed, May 2, 1966;
8:45 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 6883]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

SUBCHAPTER C—EMPLOYMENT TAXES

PART 31—EMPLOYMENT TAXES; APPLICABLE ON AND AFTER JANUARY 1, 1955

Permission To Submit Information Required by Certain Returns and Statements on Magnetic Tape

In order to provide authority under the Income Tax Regulations (26 CFR Part 1) and the Employment Tax Regulations (26 CFR Part 31) for the granting of permission to payers and others to submit information required by certain returns and statements on magnetic tape or by other media, such regulations are amended as follows:

PARAGRAPH 1. There is inserted immediately after § 1.6041-6 the following new section:

§ 1.6041-7 Permission to submit information required by Form 1099 or W-2 on magnetic tape.

For rules relating to permission to submit the information required by Form 1099 or W-2 on magnetic tape or other media, see § 1.9101-1. See also paragraph (b) (2) of § 31.6011(a)-7 of this

chapter (Employment Tax Regulations) for additional rules relating to Form W-2.

PAR. 2. Section 1.6042-2 is amended by adding a new paragraph (e) to read as follows:

§ 1.6042-2 Returns of information as to dividends paid in calendar years after 1962.

(e) *Permission to submit information required by Form 1087 or 1099 on magnetic tape.* For rules relating to permission to submit the information required by Form 1087 or 1099 on magnetic tape or other media, see § 1.9101-1.

PAR. 3. Section 1.6044-2 is amended by adding a new paragraph (f) to read as follows:

§ 1.6044-2 Returns of information as to payments of patronage dividends with respect to patronage occurring in taxable years beginning after 1962.

(f) *Permission to submit information required by Form 1099 on magnetic tape.* For rules relating to permission to submit the information required by Form 1099 on magnetic tape or other media, see § 1.9101-1.

PAR. 4. Section 1.6047-1 is amended by adding a new paragraph (d) to read as follows:

§ 1.6047-1 Information to be furnished with regard to employee retirement plan covering an owner-employee.

(d) *Permission to submit information required by Form 1099 on magnetic tape.* For rules relating to permission to submit the information required by Form 1099 on magnetic tape or other media, see § 1.9101-1.

PAR. 5. Section 1.6049-1 is amended by adding a new paragraph (e) to read as follows:

§ 1.6049-1 Returns of information as to interest paid in calendar years after 1962.

(e) *Permission to submit information required by Form 1087 or 1099 on magnetic tape.* For rules relating to permission to submit the information required by Form 1087 or 1099 on magnetic tape or other media, see § 1.9101-1.

PAR. 6. There is inserted immediately after § 1.9100-1 the following new section:

§ 1.9101-1 Permission to submit information required by certain returns and statements on magnetic tape.

In any case where the use of a Form 1087, 1099, or W-2 is required by the regulations under this part for the purpose of making a return or reporting information, such requirement may be satisfied by submitting the information required by such form on magnetic tape or by other media, provided that the prior consent of the Commissioner or other authorized officer or employee of the In-

ternal Revenue Service has been obtained. Applications for such consent must be filed in accordance with procedures established by the Internal Revenue Service. See paragraph (b) (2) of § 31.6011(a)-7 of this chapter (Employment Tax Regulations) for additional rules relating to Form W-2.

PAR. 7. Paragraph (b) of § 31.6011(a)-7 is amended to read as follows:

§ 31.6011(a)-7 Execution of returns.

(b) *Use of prescribed forms*—(1) *In general.* Copies of the prescribed return forms will so far as possible be regularly furnished taxpayers by district directors. A taxpayer will not be excused from making a return, however, by the fact that no return form has been furnished to him. Taxpayers not supplied with the proper forms should make application therefor to the district director in ample time to have their returns prepared, verified and filed with the district director on or before the due date. See §§ 31.6071(a)-1 and 31.6091-1, relating, respectively, to the time and place for filing returns. In the absence of a prescribed return form, a statement made by a taxpayer disclosing the aggregate amount of wages or compensation reportable on such form for the period in respect of which a return is required and the amount of taxes due may be accepted as a tentative return. If filed within the prescribed time, the statement so made will relieve the taxpayer from liability for the addition to tax imposed for the delinquent filing of the return, provided that without unnecessary delay such tentative return is supplemented by a return made on the proper form. For additions to the tax in case of failure to file a return within the prescribed time, see the provisions of § 301.6651-1 of this chapter (Regulations on Procedure and Administration).

(2) *Permission for use of magnetic tape*—(i) *Form W-2.* In any case where an employer is required by the regulations under this part to submit a copy of a Form W-2 as part of a return or together with an information statement, such requirement may be satisfied by submitting the information required by such form on magnetic tape or by other media, provided that the prior consent of the Commissioner or other authorized officer or employee of the Internal Revenue Service has been obtained. Applications for such consent must be filed in accordance with procedures established by the Internal Revenue Service. See § 1.9101-1 of this chapter (Income Tax Regulations) for additional rules relating to Form W-2.

(ii) *Schedule A of Form 941 or 943.* In any case where the use of a Schedule A of Form 941 or 943 is required by such Forms or the regulations under this part for the purpose of making a return, such requirement may be satisfied, to the extent prior consent is obtained from the Commissioner or other authorized officer or employee of the Internal Revenue Service, by submitting selected items of the information required by such Sched-

ule on magnetic tape or by other media. Applications for such consent must be filed in accordance with procedures established by the Internal Revenue Service.

Because this Treasury decision merely prescribes regulations to provide an alternative means for submitting information required by certain returns and statements, it is found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4(a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4(c) of the Act.

(Sec. 7805, Internal Revenue Code of 1954; 68A Stat. 917; 26 U.S.C. 7805)

[SEAL] SHELDON S. COHEN,
Commissioner of Internal Revenue.

Approved: April 27, 1966.

STANLEY S. SURREY,
Assistant Secretary of
the Treasury.

[F.R. Doc. 66-4790; Filed, May 2, 1966;
8:46 a.m.]

Title 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

SUBCHAPTER A—BUREAU OF ACCOUNTS

[Dept. Circular 176 (Rev.), 13th Amtd.]

PART 202—DEPOSIT OF PUBLIC MONEYS AND PAYMENT OF GOVERNMENT CHECKS

Acceptable Securities

Part 202, Subchapter A, Chapter II, Title 31 of the Code of Federal Regulations of the United States (appearing also as Treasury Department Circular No. 176 (Revised), 11 F.R. 102, January 3, 1946, as amended) is hereby further amended by adding immediately following paragraph (g) of § 202.20 two new paragraphs to read as follows:

§ 202.20 Collateral security for deposits.

(h) Participation Certificates issued by the Export-Import Bank of Washington which evidence a participation in the Eximbank Portfolio Fund, at face value (principal amount less payments made thereon).

(i) Participation Certificates issued by the Federal National Mortgage Association as Trustee of Government Mortgage Liquidation Trust, at face value.

(Sec. 10, 56 Stat. 356, as amended; 12 U.S.C. 265)

Dated: April 27, 1966.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[F.R. Doc. 66-4789; Filed, May 2, 1966;
8:46 a.m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter VI—Business and Defense Services Administration, Department of Commerce

[BDSA Reg. 2 (formerly NPA Reg. 2), Directions 9 and 10—Revocation]

BDSA REG. 2—BASIC RULES OF THE PRIORITIES SYSTEM

Dir. 9—Required Use of Ratings on Orders for Cadmium Products

Dir. 10—Rated Orders on Sales of Stockpile Cadmium—Replacement of Inventory

REVOCATION

Direction 9 (28 F.R. 6833) and Direction 10 (29 F.R. 8480) to BDSA Reg. 2 (formerly NPA Reg. 2), are hereby revoked. This revocation does not relieve any person of any obligation or liability incurred under Direction 9 or Direction 10 to BDSA Reg. 2, nor deprive any person of any rights received or accrued under said directions prior to the effective date of this revocation.

(Sec. 704, 64 Stat. 816, as amended, 50 U.S.C. App. 2154; Sec. 1, P.L. 88-343, 78 Stat. 235)

This revocation shall take effect April 29, 1966.

BUSINESS AND DEFENSE SERVICES ADMINISTRATION,
FORREST D. HOCKERSMITH,
Acting Administrator.

[F.R. Doc. 66-4788; Filed, May 2, 1966;
8:46 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 207—NAVIGATION REGULATIONS

Oakland Harbor, Calif., and Lake Powell, and Colorado River, Arizona-Utah

1. Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 207.640 is hereby amended revising paragraph (g), adding new paragraphs (g-1), (g-2) and (g-3), and revoking paragraph (m) effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 207.640 San Francisco Bay, San Pablo Bay, Carquinez Strait, Suisun Bay, San Joaquin River, and connecting waters, Calif.

(g) Oakland Inner Harbor adjacent to Alameda Facility, Naval Supply Center, Oakland; restricted area.—(1) The area within 100 feet of the Alameda Facility wharf.

(2) *The regulations.* No vessel or other craft, except vessels of the U.S. Government or vessels duly authorized by the Commanding Officer, Naval Supply Center, Oakland, shall enter this area.

(g-1) *Oakland Harbor in vicinity of Naval Supply Center, Oakland; restricted area and navigation.*—(1) *The area.* Bounded by the shore of the Naval Supply Center and the following lines: Beginning at a point on the north shore located at about latitude 37°48'26", longitude 122°19'34"; thence 225°12', 290 yards; and thence 173°10', 620 yards to a point on the south shore at about latitude 37°48'02", longitude 122°19'39".

(2) *The regulations.* (i) No vessel or other craft, except vessels of the U.S. Government or vessels duly authorized by the Commanding Officer, Naval Supply Center, Oakland, shall enter this area.

(ii) All vessels over 1,000 tons displacement, bound for the Naval Supply Center, Oakland, shall use a qualified pilot regularly licensed for the waters of Oakland Harbor.

(g-2) *Oakland Outer Harbor adjacent to the Military Ocean Terminal, Bay Area, Pier No. 8 (Port of Oakland Berth No. 10); restricted area.*—(1) *The area.* Within 100 feet of the pier.

(2) *The regulations.* No vessel or other craft, except vessels of the U.S. Government or vessels duly authorized by the Commander, Oakland Army Base, shall enter this area.

(g-3) *Oakland Outer Harbor adjacent to the Oakland Army Base; restricted area.*—(1) *The area.* Within 100 feet of the wharves, piers or shore.

(2) *The regulations.* No vessel or other craft, except vessels of the U.S. Government or vessels duly authorized by the Commander, Oakland Army Base, shall enter this area.

(m) *Carquinez Strait in vicinity of Benicia Arsenal, Benicia; restricted area.* [Revoked.]

(Regs., April 12, 1966, 1507-32, Oakland Harbor, Calif., ENGOW-ON; sec. 7, 40 Stat. 266; 33 U.S.C. 1)

2. Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C.

1), § 207.644 is hereby prescribed to govern the use and navigation of two restricted areas at Glen Canyon Dam, Page, Ariz., effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 207.644 Glen Canyon Dam, Lake Powell, and Colorado River, Page, Ariz.; restricted areas.

(a) *The areas.* That portion of Lake Powell extending 1,500 feet above the dam axis and that portion of the Colorado River extending 2,500 feet below the dam axis.

(b) *The regulations.* (1) The restricted areas shall be closed to navigation and other use by the general public. Only vessels owned by or controlled by the U.S. Government shall navigate or anchor in the restricted areas.

(2) The regulations in this section shall be enforced by the Superintendent, Glen Canyon Recreation Area, National Park Service, and other agencies he may so designate.

(Regs., April 12, 1966, 1507-32, Lake Powell and Colorado River, Arizona-Utah, ENGOW-ON; sec. 7, 40 Stat. 266; 33 U.S.C. 1)

J. C. LAMBERT,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 66-4762; Filed, May 2, 1966; 8:45 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Docket No. 3666; Order 72]

PARTS 71-79—EXPLOSIVES AND OTHER DANGEROUS ARTICLES

Miscellaneous Amendments

Correction

In F.R. Doc. 66-4677, appearing at page 6422 of the issue for Thursday, April 28, 1966, the following corrections are made:

1. In the second column of the tabular matter appearing under § 72.5(a), "Example" should read "Explosive".

2. In the first paragraph of amendatory language under the Part 73 heading, "and § 73.95" should read "add § 73.95".

Title 45—PUBLIC WELFARE

Chapter I—Office of Education, Department of Health, Education, and Welfare

PART 177—FEDERAL, STATE, AND PRIVATE PROGRAMS OF LOW-INTEREST LOANS TO STUDENTS IN INSTITUTIONS OF HIGHER EDUCATION

Correction

In F.R. Doc. 66-4355 appearing at page 6109 in the issue for Thursday, April 21, 1966, the word "or" is inserted in § 177.16(b) (2) (i) so that the subdivision reads as follows:

"(i) Such loan is made to a student who had obtained a prior loan on or before June 30, 1963, with respect to which interest is payable under this subpart, and".

Chapter VIII—Civil Service Commission

PART 801—VOTING RIGHTS PROGRAM

Appendix A

ALABAMA

Appendix A to Part 801 is amended as set out below to show, under the heading "Dates, Times, and Places for Filing," one additional place for filing in Alabama:

ALABAMA

County; place for filing; beginning date

Sumter; Livingston—Post Office; May 3, 1966.

(Secs. 7 and 9 of the Voting Rights Act of 1965; P.L. 89-110)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] MARY V. WENZEL,
Executive Assistant to
the Commissioners.

[F.R. Doc. 66-4844; Filed, May 2, 1966; 3:08 p.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 965]

TOMATOES GROWN IN LOWER RIO GRANDE VALLEY, TEXAS

Notice of Proposed Expenses and Rate of Assessment

Notice is hereby given that the Secretary of Agriculture is considering the approval of the expenses and rate of assessment hereinafter set forth which were recommended by the Texas Valley Tomato Committee, established pursuant to Marketing Order No. 965. Said marketing order regulates the handling of tomatoes grown in the counties of Cameron, Hidalgo, Starr, and Willacy in Texas (Lower Rio Grande Valley) and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

All persons who desire to submit written data, views, or arguments in connection with these proposals may file the same in quadruplicate with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C., 20250, not later than 7 days after publication of this notice in the *FEDERAL REGISTER*. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)). The proposals are as follows:

§ 965.208 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred by the Texas Valley Tomato Committee, established pursuant to Marketing Order No. 965, for its maintenance and functioning, and for such other purposes as the Secretary determines to be appropriate, during the fiscal period ending July 31, 1966, will amount to \$7,000.00.

(b) The rate of assessment to be paid by each handler pursuant to Marketing Order No. 965 shall be one cent (\$0.01) per 40-pound crate of tomatoes, or the equivalent quantity thereof in other containers, handled by him as the first handler thereof during said fiscal period.

(c) The terms used in this section shall have the same meaning as when

used in Marketing Order No. 965 (7 CFR Part 965).

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: April 28, 1966.

PAUL A. NICHOLSON,
Deputy Director, Fruit and
Vegetable Division, Consumer
and Marketing Service.

[F.R. Doc. 66-4785; Filed, May 2, 1966;
8:45 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 121]

[Docket No. 7329; Notice 66-17]

CONVAIR 240 AND MARTIN 404 AIRPLANES

Extended Overwater Operations Without Certification or Approval for Ditching

The Federal Aviation Agency is considering amending Part 121 of the Federal Aviation Regulations to permit the operation of Convair 240 (CV-240) and Martin 404 airplanes in extended overwater operations without being certificated or approved as adequate for ditching under the airworthiness requirements of Part 25.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before July 5, 1966, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Section 121.161(b) requires land airplanes operated in extended overwater operations to be certificated or approved as adequate for ditching. However, the DC-3 and C-46 are excepted from the requirement on the basis of their proven ability in actual ditchings to ditch suc-

cessfully. The CV-340 and CV-440 airplanes are excepted from the requirement on the basis of successful tests performed on scale models of those airplanes.

In response to petitions by holders of certificates issued under Part 121 the Agency considered and granted exemptions (Exemptions Nos. 403 and 483) to § 121.161 to the extent necessary to permit the petitioners concerned to operate CV-240 and Martin 404 airplanes in extended overwater operations without certification or approval for ditching under Part 25. These exemptions were based primarily on the finding that the Martin 404 and CV-240 airplanes are similar in configuration, size, weight, structure, and speed to the CV-440 airplane which has been shown by tests to have very satisfactory ditching characteristics. Certification of an airplane type for ditching by comparison with airplanes of similar configuration for which the ditching characteristics have already been determined either in actual ditchings, or in tests run on scale models of the airplanes is authorized under § 25.801(e) of the airworthiness requirements.

In view of the determinations made in regard to the ditching characteristics of the Martin 404 and CV-240 airplanes under the Agency's exemption authority, it is proposed herein to amend § 121.161(b) to extend the same approval or authority to all other certificate holders under Part 121.

In consideration of the foregoing, it is proposed to amend § 121.161(b) of Part 121 of the Federal Aviation Regulations to read as follows:

§ 121.161 Airplane limitations; type of route.

(b) No certificate holder may operate a land airplane (other than a DC-3, C-46, CV-240, CV-340, CV-440, or Martin 404) in an extended overwater operation unless it is certificated or approved as adequate for ditching under the ditching provisions of Part 25 of this chapter.

These amendments are proposed under the authority of sections 313(a), 601, and 604 of the Federal Aviation Act of 1958 (49 U.S.C. 1354, 1421, and 1424).

Issued in Washington, D.C., on April 27, 1966.

C. W. WALKER,
Acting Director,
Flight Standards Service.

[F.R. Doc. 66-4766; Filed, May 2, 1966;
8:45 a.m.]

Notices

DEPARTMENT OF JUSTICE

Office of the Attorney General

SUMTER COUNTY, ALA.

Certification of the Attorney General Pursuant to Section 6 of the Voting Rights Act of 1965 (Public Law 89-110)

In accordance with section 6 of the Voting Rights Act of 1965, I hereby certify that in my judgment the appointment of examiners is necessary to enforce the guarantees of the 15th Amendment to the Constitution of the United States in Sumter County, Ala. This county is included within the scope of the determinations of the Attorney General and the Director of the Census made on August 6, 1965, under section 4(b) of the Voting Rights Act of 1965 and published in the FEDERAL REGISTER on August 7, 1965 (30 F.R. 9897).

NICHOLAS DEB. KATZENBACH,
Attorney General of the
United States.

MAY 2, 1966.

[F.R. Doc. 66-4903; Filed, May 2, 1966;
3:07 p.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

McLAUGHLIN GORMLEY KING CO.

Notice of Amendment of Food Additive Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), the following notice is given:

A notice was published in the FEDERAL REGISTER of March 4, 1966 (31 F.R. 3429), of the filing of a food additive petition (FAP 6H1946) by McLaughlin Gormley King Co., 1715 Southeast Fifth St., Minneapolis, Minn., 55414, proposing the issuance of a regulation to provide for the safe use of a combination of *N*-octylbicyclo-heptenedicarboximide, piperonyl butoxide, and pyrethrins as an insecticide in areas used for processing and storing foods, except meats, dairy products, and other fatty foods.

Notice is given that in accordance with § 121.53 *Substantive amendments to petitions* the petitioner has amended said petition by deleting the limitation "except meats, dairy products, and other fatty foods."

Dated: April 25, 1966.

J. K. KIRK,
Assistant Commissioner
for Operations.

[F.R. Doc. 66-4769; Filed, May 2, 1966;
8:45 a.m.]

2-METHYL-2-(METHYLTHIO)PROPI- ONALDEHYDE O-(METHYLCARBA- MOYL)OXIME

**Notice of Establishment of
Temporary Tolerance**

Notice is given that at the request of the Union Carbide Corp., 270 Park Avenue, New York, N.Y., 10017, a temporary tolerance is established for residues of the insecticide 2-methyl-2-(methylthio)propionaldehyde O-(methylcarbamoyl)oxime in or on cottonseed and potatoes at 0.2 part per million. The Commissioner of Food and Drugs has determined that this temporary tolerance will protect the public health.

Conditions under which this temporary tolerance is established are as follows:

1. The total amount of the actual insecticide to be used under the experimental permit issued by the U.S. Department of Agriculture will not exceed 22,500 pounds. Of this amount, 12,500 pounds will be provided for use on cotton and 10,000 pounds on potatoes. Distribution will be under the Union Carbide Corp. name.

2. The insecticide will not be marketed for general use but will be supplied to qualified persons for bona fide experimental use.

3. The Union Carbide Corp. will comply with the requirements of § 120.31(e) (3) and (4).

This temporary tolerance expires April 22, 1967.

This action is taken pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)), and delegated by him to the Commissioner (21 CFR 2.120; 31 F.R. 3008).

Dated: April 22, 1966.

J. K. KIRK,
Assistant Commissioner
for Operations.

[F.R. Doc. 66-4770; Filed, May 2, 1966;
8:45 a.m.]

PENNSYLVANIA INDUSTRIAL CHEMICAL CORP.

Notice of Filing of Petition for Food Additives Polyterpene Resins

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 5B1651) has been filed by Pennsylvania Industrial Chemical Corp., 120 State Street, Clariton, Pa., 15025, proposing an amendment to § 121.2503 *Polyterpene resins* to provide for the safe use

of terpene resins as components of polymeric films for food-contact use.

Dated: April 22, 1966.

J. K. KIRK,
Assistant Commissioner
for Operations.

[F.R. Doc. 66-4771; Filed, May 2, 1966;
8:45 a.m.]

ROHM & HAAS CO.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 6B1872) has been filed by Rohm & Haas Co., Independence Mall West, Philadelphia, Pa., 19105, proposing an amendment to § 121.2597 *Acrylic polymer modifiers in semirigid and rigid polyvinyl chloride plastics* to provide for increased levels of acrylic modifiers to be used in semirigid and rigid polyvinyl chloride plastics for food-contact use.

Dated: April 22, 1966.

J. K. KIRK,
Assistant Commissioner
for Operations.

[F.R. Doc. 66-4772; Filed, May 2, 1966;
8:45 a.m.]

VIOBIN CORP.

Notice of Filing of Petition for Food Additive Fish Protein Concentrate

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 6A2015) has been filed by VioBin Corp., 226 West Livingston Street, Monticello, Ill., 61856, proposing the issuance of a regulation to provide for the safe use of fish protein concentrate prepared from whole hake and hake-like species of fish by solvent extraction with ethylene dichloride and isopropyl alcohol.

Dated: April 21, 1966.

J. K. KIRK,
Assistant Commissioner
for Operations.

[F.R. Doc. 66-4773; Filed, May 2, 1966;
8:45 a.m.]

CHAS. PFIZER & CO., INC.

Notice of Filing of Petition for Food Additive Oleandomycin

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348

(b)(5)), notice is given that a petition (FAP 6D1956) has been filed by Chas. Pfizer & Co., Inc., 235 East 42d Street, New York, N.Y., 10017, proposing an amendment to paragraph (i) of § 121.225 *Antibiotics for growth promotion and feed efficiency* to provide for the safe use of oleandomycin in swine rations for growth promotion and feed efficiency.

Dated: April 22, 1966.

J. K. KIRK,
Assistant Commissioner
for Operations.

[F.R. Doc. 66-4774; Filed, May 2, 1966;
8:45 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Order 701; Amdt. 2]

DISTRICT MANAGERS

Redelegation of Authority; Lands and Resources

Order No. 701 of July 23, 1964, is amended, as follows: A new section 3.1 is added to Part III—Redelegation to District Managers, as follows:

SEC. 3.1 *Authority to redelegate.* The District Manager may redelegate to Area Managers or Chief, Division of Administration, authority vested in him by this part. Any order of delegation must specify the extent of and limitations on the grant of authority, be approved by the State Director and published in the FEDERAL REGISTER.

This change shall become effective upon publication in the FEDERAL REGISTER.

JOHN O. CROW,
Associate Director.

APRIL 26, 1966.

[F.R. Doc. 66-4775; Filed, May 2, 1966;
8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 16909]

MONTREAL-TAMPA/MIAMI CASE

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled proceeding is assigned to be held on May 24, 1966, at 10 a.m., e.d.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned Examiner.

Dated at Washington, D.C., April 27, 1966.

[SEAL] JAMES S. KEITH,
Hearing Examiner.

[F.R. Doc. 66-4796; Filed, May 2, 1966;
8:46 a.m.]

CIVIL SERVICE COMMISSION

BLACKSMITH ET AL.

Manpower Shortage; Notice of Listing

Under the provisions of section 7(b) of

the Administrative Expenses Act of 1946, as amended, relating to the payment of travel and transportation expenses of appointees, the Civil Service Commission has found that there is a manpower shortage for the following positions:

Series code and grade	Positions	Location	Effective date
Journeyman positions. (Also "Mechanics (limited)"—Navy Department category only).	Blacksmith (other fires)	Island of Oahu, Hawaii	Mar. 4, 1966
Do.	Boilermaker	do	Do.
Do.	Calker and chipper (iron) (test experience).	do	Do.
Do.	Electrician	do	Do.
Do.	Electronics mechanic (crypto)	do	Do.
Do.	Flange turner	do	Do.
Do.	Machinist	do	Do.
Do.	Machinist (marine)	do	Do.
Do.	Pipefitter	do	Do.
Do.	Pipe coverer and insulator	do	Do.
Do.	Radio mechanic	do	Do.
Do.	Refrigeration and air-conditioning mechanic	do	Do.
Do.	Riveter	do	Do.
Do.	Shipfitter	do	Do.
Do.	Welder	do	Do.
GS-1712-7 and 9	Training instructor—watercraft operations.	Fort Eustis, Va.	Do.
GS-1712-7 and 9	Training instructor—aircraft maintenance.	do	Do.
W-3414-11	Machinist	Rock Island, Ill.	Mar. 15, 1966
GS-802-4/11	Engineering technician	San Francisco Bay Area (Within 35-mile radius of San Francisco).	Mar. 25, 1966
GS-856-4/11	Electronics technician	do	Do.
W-11	Machinist	Portsmouth, N.H.	Apr. 5, 1966

Appointees to these positions, or comparable positions under other pay systems, may be paid for the expenses of travel and transportation to their first duty station.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] MARY V. WENZEL,
Executive Assistant to
the Commissioners.

[F.R. Doc. 66-4792; Filed, May 2, 1966;
8:46 a.m.]

ACCOUNTING SERIES ET AL.

Notice of Adjustment of Minimum Rates and Rate Ranges

1. Under authority of section 504 of the Federal Salary Reform Act of 1962

and Executive Order 11073, the Civil Service Commission has increased the minimum salary rates and rate ranges for positions in the Accounting Series, GS-510, and Internal Revenue Agent Series, GS-512, at grades 5 through 9, and, after consultation with the Post Office Department, has increased the minimum rates and rate ranges for Accounting and Auditing positions code 510, in the Postal Field Service at levels 5, 7, and 9.

a. The revised rates for positions subject to the Classification Act are as follows:

Grade	1	2	3	4	5	6	7	8	9	10
GS-5	\$6,036	\$6,207	\$6,378	\$6,549	\$6,720	\$6,891	\$7,062	\$7,233	\$7,404	\$7,575
GS-6	6,470	6,662	6,854	7,046	7,238	7,430	7,622	7,814	8,006	8,198
GS-7	6,890	7,097	7,304	7,511	7,718	7,925	8,132	8,339	8,546	8,753
GS-8	7,097	7,325	7,553	7,781	8,009	8,237	8,465	8,693	8,921	9,149
GS-9	7,733	7,987	8,241	8,495	8,749	9,003	9,257	9,511	9,765	10,019

b. The revised rates for positions in the Postal Field Service are as follows:

Grade	1	2	3	4	5	6	7	8	9	10	11	12
PFS-5	\$6,094	\$6,280	\$6,466	\$6,652	\$6,838	\$7,024	\$7,210	\$7,396	\$7,582	\$7,768	\$7,954	\$8,140
PFS-7	6,997	7,209	7,421	7,633	7,845	8,057	8,269	8,481	8,693	8,905	9,117	
PFS-9	7,697	7,945	8,193	8,441	8,689	8,937	9,185	9,433	9,681	9,929		

2. Geographic coverage: Worldwide.
3. The effective date will be the first day of the first pay period which commences on or after June 1, 1966.

4. On and after the effective date, new employees in the specified occupational levels will be hired at the new minimum rates.

5. As of the effective date, all agencies will process a pay adjustment to increase the pay of employees on the rolls in the affected occupational levels. An employee who immediately prior to the effective date was receiving basic compensation at one of the rates of the statutory range, shall receive compensation at the corresponding numbered rate authorized by this notice on or after such date.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] MARY V. WENZEL,
Executive Assistant to
the Commissioners.

[F.R. Doc. 66-4793; Filed, May 2, 1966;
8:46 a.m.]

FEDERAL MARITIME COMMISSION

CUNARD STEAM-SHIP CO., LTD.,
AND UNITED STATES LINES CO.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Ronald A. Capone, Kirlin, Campbell & Keating, The Farragut Building, 900 17th Street NW., Washington, D.C., 20006.

Agreement 9545 provides for the interchange of cargo containers and related equipment between the parties thereto, the Cunard Steam-Ship Co., Ltd. and United States Lines Co., operating in the trade between the ports of the United Kingdom of Great Britain and Northern Ireland and U.S. North Atlantic ports in the Hampton Roads/Portland, Maine range, in accordance with the terms and conditions set forth therein.

Dated: April 28, 1966.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 66-4802; Filed, May 2, 1966;
8:47 a.m.]

CUNARD STEAM-SHIP CO., LTD.,
AND UNITED STATES LINES CO.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Ronald A. Capone, Kirlin, Campbell & Keating, The Farragut Building, 900 17th Street, NW., Washington, D.C., 20006.

Agreement 9546, between the Cunard Steam-Ship Company Ltd. and United States Lines Co., provides for the establishment of a more orderly schedule of sailings of their vessels and coverage of ports in the trade between North Atlantic ports of the United States and ports in the United Kingdom of Great Britain and Northern Ireland (excluding the trade from Glasgow, Scotland to North Atlantic ports of the United States). Provision is also made that the details of arrangements worked out pursuant to this agreement will be furnished promptly to the Commission.

Dated: April 28, 1966.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 66-4803; Filed, May 2, 1966;
8:47 a.m.]

ELLERMAN & BUCKNALL STEAMSHIP
CO., LTD., AND SEA-LAND SERVICE, INC.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at

the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. D. E. Berger, Traffic Analyst, Sea-Land Service, Inc., Post Office Box 1050, Elizabeth, N.J., 07207.

Agreement 9547, between Ellerman & Bucknall Steamship Co., Ltd. (North American Service) and Sea-Land Service, Inc., proposes the establishment of a through billing arrangement on the movement of general and controlled temperature cargo from ports in the Commonwealth of Australia (including Tasmania) to ports in Puerto Rico with transshipment at Charleston, S.C., and New York, N.Y., in accordance with the terms and conditions set forth in the agreement.

Dated: April 28, 1966.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 66-4804; Filed, May 2, 1966;
8:47 a.m.]

[Docket No. 66-18]

GENERAL RATE INCREASE IN DOMESTIC GUAM TRADE

Notice of Expansion of Investigation

Whereas, By order served March 31, 1966, the Federal Maritime Commission entered into an investigation concerning the lawfulness of tariffs filed by Pacific Far East Line, Inc. and American President Lines, Ltd., which published generally increased commodity rates in the Pacific Coast/Guam Trade to become effective March 31, 1966, and April 20, 1966, and named the said carriers as respondents in this proceeding;

Whereas, On March 24, 1966, American President Lines, Ltd., filed with the Commission a new tariff, FMC-F No. 13, which will upon becoming effective April 27, 1966, generally increase commodity rates in the Atlantic Coast/Guam Trade;

Whereas, The Commission has considered the new tariff and protest thereto, and has reason to believe that the said tariff may result in rates, charges, and/or practices which would be unjust, unreasonable, or otherwise unlawful in violation of the Shipping Act, 1916, or the Intercoastal Shipping Act, 1933;

Whereas, The Commission is of the opinion that the new Atlantic/Guam tariff should be included in the investigation to determine if it is unjust, unreasonable, or otherwise unlawful, under the aforementioned shipping acts;

Now therefore it is ordered, That this proceeding be, and it is hereby expanded to include an investigation into and a hearing concerning the lawfulness of the said tariff, with a view to making such findings and orders in the premises as the facts and circumstances shall warrant;

It is further ordered, That all subsequent revisions of the rates or other tariff matter contained in the said tariff, and in other tariffs currently under investigation in this proceeding shall be, and they are hereby placed under investigation in this proceeding;

It is further ordered, That (I) a copy of this order shall forthwith be served upon all respondents and protestants herein; (II) the said respondents and protestants be duly notified of the time and place of the hearing ordered; and (III) this order and notice of the said hearing be published in the FEDERAL REGISTER.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(1) (46 CFR 502.72).

By the Commission.

[SEAL]

THOMAS LISI,
Secretary.

[F.R. Doc. 66-4805; Filed, May 2, 1966;
8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[812-1942]

BALDWIN SECURITIES CORP. AND BROWN CO.

Notice of Filing of Application for Order Exempting Proposed Trans- action

APRIL 27, 1966.

Notice is hereby given that Baldwin Securities Corp. ("Baldwin"), 1 Chase Manhattan Plaza, New York, N.Y., a registered closed-end diversified investment company and Brown Co. ("Brown"), 277 Park Avenue, New York, N.Y., a Delaware corporation (hereinafter sometimes collectively called "applicants") have filed an application pursuant to section 17(b) of the Investment Company Act of 1940 ("Act") for an order exempting from the provisions of section 17(a) of the Act transactions incident to a proposed merger of KVP Sutherland Paper Co. ("KVP"), a Delaware corporation, with and into Brown. Under the proposal the outstanding common stock of Brown is to remain outstanding without alteration and each share of KVP outstanding common stock (other than shares held by Brown) is to be converted into one share of Series A Convertible Preferred Stock of Brown. All interested persons are referred to the application, which is on file

with the Commission, for a statement of the representations therein, which are summarized below.

Brown has outstanding 2,530,021 shares of common stock which are listed on the American Stock Exchange. Baldwin, which owns 344,417 shares or approximately 14 percent of Brown common stock, agreed on March 28, 1966, to sell 180,000 of these shares at \$22.50 a share to Fasco Inc. ("Fasco"), a Delaware corporation. Fasco is a wholly owned subsidiary of Fasco A. G., a Liechtenstein corporation which beneficially owns approximately 22 percent of Brown's outstanding common stock. The acquisition by Fasco of the 180,000 shares of Brown stock is subject to the issuance by the Commission of an order under section 17(b) of the Act exempting such transaction from section 17(a). A separate application for such an order is presently pending (File No. 812-1937). After the sale to Fasco of Brown common stock, Baldwin will own 164,417 shares or approximately 6.5 percent of Brown's outstanding common stock.

Ira Guilden and his associates and corporations controlled by Guilden and his associates owned as of March 15, 1966, approximately 40 percent of the outstanding voting securities of Baldwin. Guilden, who is president and a director of Baldwin, is also a member of Brown's board of directors consisting of 11 members; Philip A. Roth, who is vice president and treasurer and a director of Baldwin, is also a director of Brown.

KVP has outstanding 2,217,862 shares of common stock which are listed on the New York Stock Exchange. Brown owns 1,108,930 shares or approximately 50 percent of KVP's outstanding common stock. Brown acquired these shares on January 25, 1966, at a cost of \$33 a share, as the result of a tender offer which it made to the shareholders of KVP. Four officers of Brown are members of KVP's board of directors consisting of 12 members.

Under section 2(a)(3) of the Act, Brown is an affiliated person of Baldwin, and KVP is an affiliated person of Brown. Section 17(a) of the Act, in pertinent part, prohibits an affiliated person of a registered investment company from selling to or purchasing from such registered company any security or other property, subject to certain exceptions, unless the Commission upon application pursuant to section 17(b) of the Act grants an exemption from the provisions of section 17(a) after finding that the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned, that the proposed transaction is consistent with the policy of each registered investment company concerned and that it is consistent with the general purposes of the Act.

The applicants state that the application is not to be construed as a waiver by them of any right to take the position that the proposed transaction is not prohibited by the provisions of section 17(a) of the Act.

The merger agreement provides for the creation of an initial series of Brown preferred stock designated as Series A \$1.50 Cumulative Convertible Preferred Stock ("preferred stock"). Each share of KVP common stock outstanding at the time of the merger, other than treasury shares and shares held by Brown, will be converted into one share of preferred stock. This will result in Brown as the surviving company having outstanding a maximum of 1,108,932 shares of preferred stock. Each share of Brown common stock will continue to be one share of the common stock of Brown as the surviving company. The preferred stock will be listed on the New York Stock Exchange. Each share of preferred stock will be entitled to \$1.50 annual dividend in preference to the Brown common stock; will be convertible at any time after issuance at a conversion value of \$33 a share, into shares of Brown common stock at a conversion price (subject to certain adjustments) of \$28 a share; will be noncallable for 5 years and will thereafter, unless the holder exercises his right of conversion, be redeemable in whole or in part at Brown's option at redemption prices ranging from \$34.65 to \$33 a share, based on the date of redemption; and will be entitled, in preference to the Brown common stock, to \$34.65 a share in a voluntary liquidation and to \$33 a share in an involuntary liquidation. Following the consummation of the merger, the Brown common stock will be listed on the New York Stock Exchange.

Brown is engaged in the manufacture and sale of a variety of papers, paper towels, tissue, plywood, bituminous fiber pipe, and other cellulosic products. KVP is engaged in the manufacture of pulp, paper, and paperboard. Some of each product is sold but the greater portion of each product is used in further processing within its own operations. Pulp is used in the manufacture of paper and paperboard which in turn are converted into product packaging materials, stock products, and book matches.

Applicants state that the preferred stock has been designed to sell at an initial market price of approximately \$33 a share, equivalent to the price paid by Brown to acquire approximately 50 percent of KVP's common stock on January 25, 1966, through a tender offer. On March 25, 1966, the business day prior to the date of the merger agreement (March 28, 1966), the KVP common stock closed on the New York Stock Exchange at 31 $\frac{3}{4}$. From March 25, 1966, through April 20, 1966, the KVP common stock ranged in price from 30 $\frac{3}{8}$ to 33 $\frac{3}{4}$ and closed at 30 $\frac{3}{8}$ on the latter date. On March 25, 1966, the Brown common stock closed on the American Stock Exchange at 24 $\frac{1}{2}$. From March 25, 1966, through April 20, 1966, the Brown common stock ranged in price from 22 $\frac{1}{2}$ to 25 $\frac{1}{2}$ and closed on April 20, 1966, at 24 $\frac{1}{2}$.

Applicants have claimed the following to be common advantages of the proposed merger: Greater financial resources and marketing strength, greater stability and opportunities for continued growth, economies in expenses and operating

efficiencies. KVP has been advised by William Blair & Co., an independent adviser, that in its opinion the terms of the proposed merger agreement are fair and equitable and that the merger would be in the best interest of the shareholders of both companies.

The merger is subject to the affirmative vote of two-thirds of the outstanding shares of common stock of each of the constituent companies.

Notice is further given that any interested person may, not later than May 10, 1966, at 5:30 p.m. submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL]

ORVAL L. DuBois,
Secretary.

[F.R. Doc. 66-4777; Filed, May 2, 1966;
8:45 a.m.]

[File No. 14-1]

ELKTON CO.

Order Suspending Trading

APRIL 27, 1966.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 1¢ par value, of the Elkton Co. otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c) (5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period April 28, 1966, through May 7, 1966, both dates inclusive.

By the Commission.

[SEAL]

ORVAL L. DuBois,
Secretary.

[F.R. Doc. 66-4778; Filed, May 2, 1966;
8:45 a.m.]

[812-1933]

LIFE STOCK EXCHANGE FUND, INC.

Notice of Application for Order of Exemption

APRIL 27, 1966.

Notice is hereby given that Life Stock Exchange Fund, Inc. ("applicant"), 50 Broadway, New York, N.Y., a Delaware corporation, and an open-end, diversified management investment company registered under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 6(c) of the Act for an order of the Commission exempting applicant from compliance with the provisions of section 14(a) of the Act. In substance, section 14(a) of the Act provides that no registered investment company shall make a public offering of securities of which it is the issuer unless it has a net worth of at least \$100,000. All interested persons are referred to the application on file with the Commission for a full statement of the representations therein which are summarized below.

Applicant has filed a registration statement under the Securities Act of 1933 for 1,250,000 shares of common stock, \$1 par value, to be offered to investors in exchange for securities of the character of those included in a list set forth in the prospectus. Applicant is intended as an investment vehicle for investors who wish to exchange securities they presently hold for shares of the applicant in a simultaneous exchange on a tax-free basis. The minimum deposit to be accepted from any investor is to be securities having a market value of \$20,000, and the exchange will not be consummated unless the aggregate market value of the deposited securities as at the effective date of the planned exchange is at least \$10,000,000. In the event that such value is not then realized, the deposited securities will be returned to investors without charge to them.

Notice is further given that any interested person may, not later than May 17, 1966, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for

hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL]

ORVAL L. DuBois,
Secretary.

[F.R. Doc. 66-4779; Filed, May 2, 1966;
8:45 a.m.]

[File No. 70-4375]

NATIONAL FUEL GAS CO., ET AL.

Notice of Proposed Issue of Short-Term Notes to Banks and Proposed Intrasystem Issue of Short-Term Notes

APRIL 27, 1966.

Notice is hereby given that National Fuel Gas Co. ("National"), 30 Rockefeller Plaza, New York, N.Y., 10020, a registered holding company, and three of its gas utility subsidiary companies, Iroquois Gas Corp. ("Iroquois"), Pennsylvania Gas Co. ("Penn"), and United Natural Gas Co. ("United"), have filed a joint application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6, 7, 9(a), 10, and 12(b) of the Act and rules 23, 42(b)(2), 43, 45, 50(a)(2), and 70 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the joint application-declaration, which is summarized below, for a complete statement of the proposed transactions.

National proposes to issue and sell, from time to time prior to December 31, 1966, its unsecured promissory notes to the Chase Manhattan Bank (National Association) ("Chase") in an aggregate face amount not to exceed \$12,000,000 outstanding at any one time. The notes will mature on December 31, 1967, will bear interest, payable quarterly, at the prime commercial rate (currently 5½ percent), and will be prepayable, in whole or in part, at any time without penalty, except that a premium of three-eighths of 1 percent must be paid if the prepayment results from borrowings from a bank other than Chase. National will use the proceeds from the sale of the notes to acquire notes of Iroquois, Penn, and United as described below.

Iroquois, Penn, and United propose to issue and sell, from time to time prior to December 31, 1966, to National, unsecured promissory notes not to exceed an aggregate face amount outstanding at any one time of \$8,400,000 for Iroquois, \$2,100,000 for Penn, and \$1,500,000 for United. The notes will bear interest at the same prime rate, and will be subject to the same general terms and conditions, as the notes to be issued by National to Chase, except that no prepayment penalty or premium will be incurred under any circumstances.

Penn and United also propose to issue and sell to the banks named below, from time to time during 1966, short-term notes not to exceed an aggregate face amount of \$1,800,000 for Penn and

\$3,700,000 for United. The notes will mature no later than 9 months from the date of issue, will bear interest at the prime rate in effect at Chase or the lending bank, whichever is lower on the date of issue, and will be prepayable at any time, in whole or in part, without penalty or premium. The notes will be issued to the following banks in amounts not exceeding those set forth:

	Penn	United
Bradford National Bank, Bradford, Pa.		\$300,000
DuBois Deposit National Bank, DuBois, Pa.		230,000
Elk County Bank & Trust Co., Ridgway, Pa.		100,000
Emporium Trust Co., Emporium, Pa.		130,000
Exchange Bank & Trust Co., Franklin, Pa.		200,000
First National Bank of Mercer Co., Greenville, Pa.		150,000
The First National Bank of Erie, Erie, Pa.	\$750,000	
First Seneca Bank & Trust Co., Oil City, Pa.		600,000
McDowell National Bank, Sharon, Pa.		400,000
Marine National Bank, Erie, Pa.	275,000	
Marine Midland Chautauqua National Bank, Jamestown, N.Y.	300,000	
Mellon National Bank & Trust Co., Pittsburgh, Pa.		360,000
Northwest Pennsylvania Bank & Trust Co., Oil City, Pa.		500,000
Pennsylvania Bank & Trust Co., Titusville, Pa.		500,000
Producers Bank & Trust Co., Bradford, Pa.		70,000
St. Marys National Bank, St. Marys, Pa.		160,000
Warren National Bank, Warren, Pa.	475,000	
Total	1,800,000	3,700,000

The notes to be issued by Penn and United represent approximately 8.9 percent and 9.0 percent of the principal amount and par value of the other securities outstanding on December 31, 1966, of each of these companies, and any amount in excess of 5 percent is not exempt under the provisions of section 6(b) of the Act and may be issued only pursuant to an order herein.

Iroquois, Penn, and United will use the proceeds from the issue and sale of their notes, together with funds available from current operations, for additions to utility plant, and for underground storage gas inventories. Construction expenditures for 1966 are estimated at \$9,675,000 for Iroquois, \$2,569,000 for Penn, and \$4,323,000 for United.

It is contemplated that National will pay its notes prior to maturity from the proceeds of the public sale of its long-term debentures, and upon such sale the notes proposed to be issued to it by Penn, Iroquois, and United will be converted to long-term serially maturing notes. Such transactions will be the subject of future filings with the Commission.

The proposed issue and sale of notes by Iroquois are subject to the jurisdiction of the Public Service Commission of New York, and the issue and sale by Penn and United are subject to the jurisdiction of the Pennsylvania Public Utility Commission. No other State commission and no Federal commission, other

than this Commission, has jurisdiction over the proposed transactions.

The estimated expenses to be incurred in connection with the proposed transactions are as follows: National, \$1,000, including counsel fees of \$850; Penn, \$1,010, including counsel fees of \$500; Iroquois, \$3,740, including counsel fees of \$800; and United \$1,010, including counsel fees of \$500.

Notice is further given that any interested person may, not later than May 20, 1966, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the joint applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the joint application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 66-4780; Filed, May 2, 1966;
8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

APRIL 28, 1966.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 40453—*Chlorine to Henderson, Ky.* Filed by O. W. South, Jr., agent (No. A4886), for and on behalf of Illinois Central Railroad Co. Rates on chlorine, in tank carloads, from Vicksburg, Miss., to Henderson, Ky.

Grounds for relief—Market competition.

Tariff—Supplement 105 to Southern Freight Association, agent, tariff ICC S-397.

FSA No. 40454—*Substituted service—UP for Ashworth Transfer, Inc., et al.* Filed by Ashworth Transfer, Inc. (No. 6), for interested carriers. Rates on property loaded in trailers and transported on railroad flatcars, between interchange points on UP R.R. west of Missouri River, on traffic originating at or destined to such points or points beyond, as described in the application.

Grounds for relief—Motortruck competition.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-4797; Filed, May 2, 1966;
8:47 a.m.]

[Notice 1338]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 28, 1966.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 C.F.R. Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-68530. By order of April 26, 1966, the Transfer Board approved the transfer to Magee Truck Service, Inc., Klickitat, Wash., of the operating rights of Eastern-Western Trucking, Inc., Puyallup, Wash., in certificates Nos. MC-116587, MC-116587 (Sub-No. 2), MC-116587 (Sub-No. 3), MC-116587 (Sub-No. 5), and MC-116587 (Sub-No. 7), issued November 8, 1957, December 19, 1962, October 12, 1962, February 19, 1964, and April 30, 1963, respectively, authorizing the transportation over irregular routes, of lumber, stone, and rejected shipments of lumber, from, to, and between specified points in Montana, Idaho, Wyoming, North Dakota, South Dakota, Nebraska, Colorado, Oregon, Washington, New Mexico, and Arizona, varying with the commodities transported. Earle V. White, 2130 Southwest Fifth Avenue, Portland, Ore., 97201, attorney for applicants.

No. MC-FC-68545. By order of April 26, 1966, the Transfer Board approved the transfer to Cashen Moving & Storage Co., Inc., 2645 South Ninth Street, Milwaukee, Wis., of the operating rights in certificate No. MC-42536, issued May 26, 1941, to John I. Cashen, doing business as Cashen Cartage Co., 2645 South Ninth Street, Milwaukee, Wis., authorizing the transportation of household goods, over irregular routes, between points in Milwaukee County, Wis., to

points in Minnesota, Iowa, Illinois, Indiana, and Michigan.

No. MC-FC-68608. By order of April 26, 1966, the Transfer Board approved the transfer to Hanson M. Savage, doing business as Savage Trucking Co., Chester Depot, Vt., of the certificate in No. MC-10131, issued September 2, 1958, to Lester J. Lewis, doing business as Lewis & Sons, Chester, N. H., authorizing the transportation of: Forest products and lumber, between points in New Hampshire, on the one hand, and, on the other, points in Massachusetts and Vermont.

No. MC-FC-68624. By order of April 26, 1966, the Transfer Board approved the transfer to Ronald E. Williams, 1927 Gebhart, Salina, Kans., of certificate No. MC-118040, issued November 16, 1960, to A. S. Elliott, doing business as Elliott Fruit & Groceries, 1221 North Seventh Street, Salina, Kans., authorizing the transportation of: Bananas, from New Orleans, La., and Galveston, Tex., to Salina and Emporia, Kans., with no transportation for compensation on return except otherwise authorized, subject to certain restrictions.

No. MC-FC-68639. By order of April 25, 1966, the Transfer Board approved the transfer to Evergreen Freight Lines, Inc., Spokane, Wash., of the operating rights in certificates Nos. MC-125624 (Sub-No. 1), MC-125624 (Sub-No. 2), and certificate of registration No. MC-125624 (Sub-No. 3), issued March 15, 1965, December 28, 1965, and December 29, 1965, respectively, to Robert E. Haugen and Orville Clouse, a partnership, doing business as Evergreen Freight Lines, Spokane, Wash., authorizing the transportation of: General commodities with the usual exceptions, and general freight, between points in Washington. Harold D. Clarke, 912 Paulsen Building, Spokane, Wash., 99201, attorney for applicants.

No. MC-FC-68640. By order of April 25, 1966, the Transfer Board approved the transfer to Evergreen Freight Lines, Inc., Spokane, Wash., of the operating rights in certificate No. MC-48549, issued December 6, 1956, to Drinkard's Freight, Inc., Spokane, Wash., authorizing the transportation of: General commodities between points in Washington. Harold D. Clarke, 912 Paulsen Building, Spokane, Wash., 99201, attorney for applicants. Hugh H. Dressel, 702 O. N. B. Building, Spokane, Wash., 99201, Attorney for applicants.

No. MC-FC-68649. By order of April 25, 1966, the Transfer Board approved the transfer to Terrance J. O'Keefe, Wales, Mass., of the operating rights of Richard E. Souliere, Brimfield, Mass., in certificate No. MC-6074, issued August 2, 1960 authorizing the transportation, over irregular routes, of road building and grading materials, between Springfield, Mass., and points in Massachusetts within 15 miles of Springfield, on the one hand, and on the other, points in Hartford and Tolland Counties, Conn. William L. Mobley, 1694 Main Street, Springfield, Mass., 01103, representative for applicants.

[SEAL]

H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-4798; Filed, May 2, 1966;
8:47 a.m.]

[Notice 1338-A]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 28, 1966.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-68191. By order of April 25, 1966, Division 3, acting as an Appellate Division approved the transfer to Parcel Delivery & Transfer, Inc., Anchorage, Alaska; of certificate in No. MC-118446 (Sub-No. 2), issued May 4, 1965, to John P. Knudsen, doing business as Knudsen Fast Freight, Anchorage, Alaska; authorizing the transportation of: General commodities, except those of unusual value, classes A and B explosives, commodities in bulk, and those requiring special equipment, over regular routes, between Anchorage, Alaska, and Tok Junction, Alaska; between Valdez, Alaska, and Delta Junction, Alaska, between Big Delta, Alaska, and Northway, Alaska, and between junction Alaska Highways 4 and 10, and Cordova, Alaska, serving all intermediate points on said routes, and certain named off-route points: John M. Stern, Jr., Box 1672, Anchorage, Alaska, 99501, W. T. Croft, Federal Bar Building, 1815 H Street NW., Washington, D.C., 20006, attorneys for applicants.

[SEAL]

H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-4799; Filed, May 2, 1966;
8:47 a.m.]

MISSOURI PACIFIC RAILROAD CO., ET AL.

Diverting or Rerouting of Traffic

Account of high water and washouts affecting operations on the Missouri Pacific Railroad Co., The Texas & Pacific Railway Co., and the Kansas Oklahoma & Gulf Railway Co. in Texas, these carriers are, in the opinion of R. D. Pfahler, Agent, unable to transport traffic routed over their lines.

It is ordered, That:

(a) Rerouting traffic: Account of high water and washouts affecting operations on the Missouri Pacific Railroad Co., The Texas & Pacific Railway Co., and the Kansas Oklahoma & Gulf Railway Co. in Texas, and being unable to transport traffic in accordance with shippers' routing, these carriers are hereby authorized to reroute or divert such traffic over any

available route to expedite the movement. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The railroad desiring to divert or reroute traffic under this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) Notification to shippers: Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the direction of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rate of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 9 a.m., April 27, 1966.

(g) Expiration date: This order shall expire at 11:59 p.m., May 3, 1966, unless otherwise modified, changed, or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as Agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., April 27, 1966.

INTERSTATE COMMERCE
COMMISSION,
R. D. PFAHLER,
Agent.

[SEAL]

[F.R. Doc. 66-4800; Filed, May 2, 1966;
8:47 a.m.]

[3d Rev. S.O. 562; Pfahler's ICC Order 204-A]

CANADIAN NATIONAL RAILWAYS

Diverting or Rerouting of Traffic; Order Vacated

Upon further consideration of Pfahler's ICC Order No. 204 and good cause appearing therefor:

It is ordered, That:

(a) Pfahler's ICC Order No. 204, be, and it is hereby vacated and set aside.

(b) Effective date: This order shall become effective at 11:59 p.m., April 28, 1966.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., April 27, 1966.

INTERSTATE COMMERCE
COMMISSION,
R. D. PFAHLER,
Agent.

[SEAL]

[F.R. Doc. 66-4801; Filed, May 2, 1966;
8:47 a.m.]

[Ex Parte No. 55]

MOTOR CARRIER LICENSING PROCEDURES

General Policy Statement

The number of applications filed for authority to conduct operations, in interstate or foreign commerce, as common and contract carriers by motor vehicle, long has been on the increase. The rate of this increase has accelerated markedly in recent years and shows no signs of abating. Motor carrier applications alone, which now make up about 85 percent of the Commission's formal case docket, increased from 5,655 new filings in 1964 to 7,658 new filings in 1965. In the first quarter of 1966, 2,454 motor carrier applications already have been opened. The pending docket of this category of cases alone on April 1, 1966, totaled 6,534.

Motor carrier application proceedings involve issues of substantial interest not only to the regulated transportation industry, but to every shipper and receiver of goods, regardless of the size of his operation; to manufacturers, wholesalers, distributors, and retailers; and to all members of the general public, both as buyers and consumers, and as travelers over the lines of the Nation's common carriers of passengers. To delay a determination that a newly-proposed motor transportation is required by the public convenience and necessity or would be consistent with the public interest and the national transportation policy can result in an irretrievable loss of sales and can unjustifiably deprive the public of needed products and transportation services. For the regulated surface transportation industry to continue to thrive, to grow, and to keep pace with the expanding national economy, the mechanics of regulation must be such that administrative decisions are not only fair and impartial, but are rendered with reasonable dispatch and efficiency. The regulatory process in which competing claims are considered and adjudicated must be geared to the type of proceeding involved, and must not entail an expenditure of time and money, either for the parties or the Government, which is disproportionate to the scope, importance, and economic significance of the particular proceeding.

Operating under its present procedures, the Commission no longer is able to deal with motor carrier application proceedings with the promptness and efficiency to which the parties are entitled, and which the nature of the proceedings themselves and the public interest require. The due and timely execution of the Commission's functions, therefore, imperatively and unavoidably, requires that these procedures be modified to eliminate those steps and procedural requirements which result in undue and unnecessary delay and in unjustified expense.

To achieve the foregoing ends and to insure that application proceedings are adjudicated with the maximum possible speed and efficiency consistent with the requirements of due process of law, this Commission has adopted, among other things, a number of general policies and internal procedures governing the handling and processing of motor carrier operating authority applications. A new form for applying for operating rights has been approved and released, and revised special rules of practice have been issued.

In processing the motor carrier case-load, the scheduling of unnecessary oral hearings will be avoided to the extent possible. Where the issues presented are well defined or where the matters involved are not of sufficient moment to justify the expense of an oral hearing, parties will be required to submit their evidence in the form of verified statements under the modified procedure, and the issuance of an initial report by a hearing officer will be dispensed with. Oral hearings for the sole purpose of cross-examination will be scheduled only where material facts are in dispute.

All applications for motor carrier operating rights will be noticed in the FEDERAL REGISTER as at present. After the 30-day period for filing protests has expired, the Commission will determine whether an application should be placed on the hearing docket or the modified procedure docket.

All unopposed applications will be assigned directly to the Commission's Operating Rights Board No. 1, as is done at present. Where the necessary supporting information has not been filed with the application, an order will be entered calling for the filing of the necessary supporting verified statements, after which the case will be disposed of by that Board.

All opposed applications will be placed either on the hearing docket or the modified procedure docket. To the hearing docket will be assigned the more complex cases, and those which, for one reason or another, might be handled more expeditiously and effectively with an oral hearing. Applications placed on the hearing docket will be processed through oral hearing and the issuance of a report and recommended order.

To the modified procedure docket will be assigned those applications in which an oral hearing is not necessary for their proper disposition. Assignments to the modified procedure docket will be followed by the entry of an order requiring

the submission of the supporting and opposing evidence under the present general rules of practice. Such order will provide that "except for good cause shown" all preliminary motions or other requests for relief filed prior to a decision will not be handled separately but will be acted upon by those making the decision in the case.

Following the filing of all verified statements under the modified procedure in opposed application proceedings, the cases will be submitted to one of the three existing Operating Rights Review Boards, in rotation, to the extent practicable, for the issuance of final reports. The Boards' decisions will be subject to petitions to Appellate Division 1.

A request for cross-examination by any party will be disposed of by the Review Board. If the Board concludes that the request has merit, it will have the authority to refer the case for hearing for the purpose of cross-examination. Requests which are found to be without merit will be denied in the Board's report, with the reasons for the action taken. The Review Board also will have authority to refer for full oral hearing any case in which it believes such treatment is warranted.

(49 U.S.C. sec. 17, 40 Stat. 270, as amended; 49 U.S.C. sec. 204(a)(6), 52 Stat. 1237; 49 U.S.C. sec. 205, 49 Stat. 548, as amended; 5 U.S.C. secs. 1002(a)(2) and 1007(a), 60 Stat. 247)

The above procedures and policies will be effective as of the date of service hereof, and notice of this General Policy Statement will be given the public by publication of this document in the FEDERAL REGISTER.

By the Commission.

[SEAL]

H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-4809; Filed, May 2, 1966;
8:48 a.m.]

DEPARTMENT OF COMMERCE

Bureau of International Commerce CATTLE HIDES, CALF AND KIP SKINS AND BOVINE LEATHERS

Notice to Exporters

The Department of Commerce is now in the process of reviewing the testimony given at the recent hearings on controls over cattle hides, calf and kip skins, and bovine leather.

At the hearings, considerable emphasis was placed on the inability of exporters to honor export commitments made prior to the date export controls were imposed over these commodities. In order to give proper consideration to this matter, additional facts are needed to establish the volume of these prior commitments.

For this purpose, a prior commitment is defined to involve all of the following circumstances:

- (1) The U.S. exporter received and accepted the export order on or prior to March 7, 1966;
- (2) On or prior to March 7, 1966, the U.S. exporter purchased or contracted

to purchase the commodities required to fill this export order; and

(3) As of May 3, 1966, the U.S. exporter will not have shipped, nor will he have obtained a validated export license to ship this export order.

If you have any unfilled orders which meet the conditions set forth in the above definition of a prior commitment, please provide us with this information in the format shown in Attachment A to this notice, and return it as soon as possible, but postmarked no later than May 7, 1966; addressed to:

U.S. Department of Commerce, Office of Export Control, Attention: 862, Washington, D.C. 20230.

Please note that a separate report is required for each of the quotas described on Attachment B to this notice. The report(s) should be accompanied by a letter signed by an authorized official of your company, and contain the following certification:

I certify that all information provided you in response to notice of April 29, 1966, is true and correct. I am aware of the penalties provided for false representation under Title 18 U.S.C. 1001.

Dated: April 29, 1966.

RAUER H. MEYER,
Director, Office of Export Control.

ATTACHMENT A

PRIOR EXPORT COMMITMENTS AS DEFINED IN
DEPARTMENT NOTICE OF APRIL 29, 1966

Date form completed.....
Name and address of firm.....
Description of quota covered by this form....

Name of country	Quantity covered by commitments requiring delivery by June 30, 1966	Quantity covered by commitments requiring delivery between July 1 and Dec. 31, 1966	Total quantity

ATTACHMENT B

A separate report should be submitted for each of the following applicable quotas:

Name of quota	Unit of quantity
Cattle hides, whole (Export Control Commodity No. 21110)	Number.
Cattle hides, except whole (Export Control Commodity No. 21110)	Do.
a. Cattle hide coupons Crops, Dossets, Sides, butts and bends	Pieces.
b. All other types of cattle hide pieces	Do.
Calf skins and kip skins (Export Control Commodity No. 21120)	Number.
Cattle hide and kip side upper leather, grain, except patent and metalized; and cattle hide and kip side leather, n.e.c. (Export Control Commodity No. 61150)	Square Feet.
Cattle hide and kip side sole, belting, welting, grain, offal, rough, russet, and crust leather (Export Control Commodity No. 61150)	Pounds.
Calf and whole kip upper leather, except patent and metalized; and calf and whole kip leather, n.e.c., except patent and metalized (Export Control Commodity No. 61150)	Square Feet.

[F.R. Doc. 66-4893; Filed, May 2, 1966;
11:27 a.m.]

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